

INDEX

to

Defense Law Journal

1971 Pocket Supplement

•

Containing Indexes to Articles,
Authors and Subjects in Volumes 18 to 20

Publishers
THE ALLEN SMITH COMPANY
Indianapolis, Indiana 46202

1969 Pocket Supplement Copyright © 1969
1970 Pocket Supplement Copyright © 1970

Copyright © 1971
THE ALLEN SMITH COMPANY
Indianapolis, Indiana



CONTENTS

	Page
Index of Articles	1
Index of Authors	5
Index of Subjects	7

INDEX OF ARTICLES

(References are to volume and page numbers)

APPEAL

"Current Federal Appellate Practice: The New Uniform Rules" (Richard F. Record, Jr.), 19—397

AUTOMOBILE ACCIDENTS

"Insured versus Insurer versus Uninsured Motorist" (David J. Beck), 20—1

"Review of 1968 Tort Trends" (William E. Knepper), 18—1

"Review of 1969 Tort Trends" (William E. Knepper), 19—1

"Review of 1970 Tort Trends" (William E. Knepper), 20—29

AUTOMOBILE INSURANCE

"Conflicts of Interest in Defending Insurance Cases" (William E. Knepper), 19—514

"Coverage Against Uninsured Motorists: Recent Developments" (Paul W. Pretzel), 18—119

"Excess Judgments—Defense Counsel's Liability" (John L. Luvaas), 18—259

"Review of 1968 Tort Trends" (William E. Knepper), 18—1

CASUALTY INSURANCE

"The Creation of Insurance Coverage by Estoppel" (H. E. Olerich and E. J. Connor), 20—461

COMPARATIVE NEGLIGENCE

"Comparative Negligence—The Wisconsin Rule and Procedure" (James D. Ghiardi and Michael W. Hogan), 18—537

"Review of 1969 Tort Trends" (William E. Knepper), 19—1

CONFLICT OF LAWS

"Review of 1968 Tort Trends" (William E. Knepper), 18—1

CORPORATE MANAGEMENT LIABILITY

"Management's Liability in Proxy Statements" (Morton L. Berg), 18—672

"Review of 1968 Tort Trends" (William E. Knepper), 18—1

DAMAGES

"Comparative Negligence—The Wisconsin Rule and Procedure" (James D. Ghiardi and Michael W. Hogan), 18—537

"Economist Testimony" (George I. Meisel), 20—115

"Review of 1968 Tort Trends" (William E. Knepper), 18—1

INDEX OF ARTICLES

(References are to volume and page numbers)

DECLARATORY JUDGMENT

"Excess Judgments: Appeal Bond Problems" (Jack E. Horsley), 20—601

DEFAMATION

"Management's Liability in Proxy Statements" (Morton L. Berg), 18—673

"Review of 1968 Tort Trends" (William E. Knepper), 18—1

DESIGN LIABILITY

"Manufacturer's Design Liability: The Expanding Frontiers of the Law" (Ronald R. Pawlak), 19—143

DISCOVERY

"Medical Defense of P.I. Cases" (Alan H. Bucholtz), 20—329

ECOLOGY

"Defending a Noise Pollution Case" (Stratton Hammon), 20—587

"Review of 1969 Tort Trends" (William E. Knepper), 19—1

EXPERT OPINION EVIDENCE

"Economist Testimony" (George I. Meisel), 20—115

FEDERAL COURTS, DIVERSITY JURISDICTION

"Sufficiency of Evidence to Take Federal Diversity Case to Jury: The Two Decisions in Boeing versus Shipman" (Lyman H. Harris), 19—265

FEDERAL EMPLOYERS' LIABILITY ACT

"Agents and Employees Under the FELA" (Eugene W. Herde), 20—217

FEDERAL RULES OF CIVIL PROCEDURE

"Current Federal Appellate Practice: The New Uniform Rules" (Richard F. Record, Jr.), 19—397

FIRE INSURANCE

"The Creation of Insurance Coverage by Estoppel" (H. E. Olerich and E. J. Connor), 20—461

HOMEOWNERS INSURANCE

"The Creation of Insurance Coverage by Estoppel" (H. E. Olerich and E. J. Connor), 20—461

HUSBAND AND WIFE

"Review of 1968 Tort Trends" (William E. Knepper), 18—1

"Review of 1969 Tort Trends" (William E. Knepper), 19—1

JURY TRIAL

"Sufficiency of Evidence to Take Federal Diversity Case to Jury: The Two Decisions in Boeing versus Shipman" (Lyman H. Harris), 19—265

INDEX OF ARTICLES

(References are to volume and page numbers)

LIABILITY INSURANCE

- "Conflicts of Interest in Defending Insurance Cases" (William E. Knepper), 19—514
- "Excess Judgments: Appeal Bond Problems" (Jack E. Horsley), 20—601
- "Excess Judgments—Defense Counsel's Liability" (John L. Luvaas), 18—259
- "Insured versus Insurer versus Uninsured Motorist" (David J. Beck), 20—1
- "Review of 1968 Tort Trends" (William E. Knepper), 18—1
- "Review of 1969 Tort Trends" (William E. Knepper), 19—1
- "Review of 1970 Tort Trends" (William E. Knepper), 20—29

MEDICAL EXPERT OPINION

- "Medical Defense of P.I. Cases" (Alan H. Bucholtz), 20—329

MEDICAL MALPRACTICE

- "Medical Malpractice—Satisfaction by Original Tort-feasor as Defense" (David M. Harney), 18—395
- "Review of 1969 Tort Trends" (William E. Knepper), 19—1

MENTAL PAIN

- "Review of 1968 Tort Trends" (William E. Knepper), 18—1
- "Review of 1969 Tort Trends" (William E. Knepper), 19—1

PREPARATION FOR TRIAL

- "Medical Defense of P.I. Cases" (Alan H. Bucholtz), 20—329

PRODUCTS LIABILITY

- "Manufacturer's Design Liability: The Expanding Frontiers of the Law" (Ronald R. Pawlak), 19—143
- "Review of 1968 Tort Trends" (William E. Knepper), 18—1
- "Review of 1969 Tort Trends" (William E. Knepper), 19—1

STRICT LIABILITY IN TORT

- "Manufacturer's Design Liability: The Expanding Frontiers of the Law" (Ronald R. Pawlak), 19—143

WORKMEN'S COMPENSATION

- "Sources of Background Information on Compensation Claimants" (Jack E. Goshkin), 19—647

INDEX OF AUTHORS

(References are to volume and page numbers)

BECK, DAVID J.

"Insured versus Insurer versus Uninsured Motorist," 20—1

BERG, MORTON L.

"Management's Liability in Proxy Statements," 18—673

BUCHOLTZ, ALAN H.

"Medical Defense of P.I. Cases," 20—329

CONNOR, E. J.

"The Creation of Insurance Coverage by Estoppel," 20—461

GHIARDI, JAMES D.

"Comparative Negligence—The Wisconsin Rule and Procedure," 18—537

GOSHKIN, JACK E.

"Sources of Background Information on Compensation Claimants," 19—647

HAMMON, STRATTON

"Defending a Noise Pollution Case," 20—587

HARNEY, DAVID M.

"Medical Malpractice—Satisfaction by Original Tort-feasor as Defense," 18—395

HARRIS, LYMAN H.

"Sufficiency of Evidence to Take Federal Diversity Case to Jury: The Two Decisions in Boeing versus Shipman," 19—265

HERDE, EUGENE W.

"Agents and Employees Under the FELA," 20—217

HOGAN, MICHAEL W.

"Comparative Negligence—The Wisconsin Rule and Procedure," 18—537

HORSLEY, JACK E.

"Excess Judgments: Appeal Bond Problems," 20—601

INDEX OF AUTHORS

(References are to volume and page numbers)

KNEPPER, WILLIAM E.

"Conflicts of Interest in Defending Insurance Cases," 19—515

"Review of 1968 Tort Trends," 18—1

"Review of 1969 Tort Trends," 19—1

"Review of 1970 Tort Trends," 20—29

LUVAAS, JOHN L.

"Excess Judgments—Defense Counsel's Liability," 18—259

MEISEL, GEORGE I.

"Economist Testimony," 20—115

OLERICH, H. E.

"The Creation of Insurance Coverage by Estoppel," 20—461

PAWLAK, RONALD R.

"Manufacturer's Design Liability: The Expanding Frontiers of the Law,"
19—143

PRETZEL, PAUL W.

"Coverage Against Uninsured Motorists: Recent Developments," 18—119

RECORD, RICHARD F., JR.

"Current Federal Appellate Practice: The New Uniform Rules," 19—397

INDEX OF SUBJECTS

(References are to volume and page numbers)

A

ABSOLUTE LIABILITY

See STRICT LIABILITY IN TORT

ACCIDENT AND HEALTH INSURANCE

- See also LIFE INSURANCE, accidental death
annotations, 18—205 to 209; 19—371 to 376, 553 to 558; 20—88 to 90, 93
anticipatory breach by insurer, 19—368, 370, 371 to 376
application, delay in acceptance, 18—215
articles
 "The Creation of Insurance Coverage by Estoppel," 20—461
automobile coverage, 18—204 to 209
cardiovascular disease, 19—546, 550, 553 to 558; 20—269
confinement requirement, health insurance, 19—546, 550, 553 to 558
delay in claim notice, 20—271
diabetes, 19—550
disability coverage
 "accidental means" causation, 20—267, 270
 health insurance, 19—546, 550, 553 to 558; 20—40, 77 to 82, 88 to 90, 267, 270
 permanency issues, 19—368 to 376; 20—40, 77 to 82, 88 to 90
federal court, jurisdictional amount, 19—368
future benefits
 anticipatory breach by insurer, 19—368, 370, 371 to 376
 lump-sum recovery, 19—368, 370, 371 to 376
labyrinthitis, gas inhalation, 20—267
medical evidence, 19—547, 552, 553 to 558; 20—269, 270
misrepresentation in application, 19—711, 713 to 716
tort liability, improper claims handling, 20—40, 77 to 82, 88 to 90, 93

ACCIDENT PRONENESS

- litigation history, 20—63
neuroses and psychoses, effects, 20—63

ADMIRALTY

- collateral source payments, 20—204
medical evidence, 20—204
unseaworthiness cases
 shipboard accidents, 20—203

(References are to volume and page numbers)

ADMISSIONS AGAINST INTEREST

See also INTERROGATORIES TO PARTIES

- depositions, discovery
 - workmen's compensation cases, 19—648
- doctor's records
 - injuries and disabilities, 20—669, 674
- evidence, failure to produce
 - annotations, 18—47 to 55
 - medical evidence, 18—46 to 55; 19—501
- hospital records
 - injuries and disabilities, 18—74; 19—650, 654, 655, 669 to 671
- statements, pretrial
 - attorney's statement, 20—634
 - fault admission, 20—535
 - injury and disability facts, 19—667
 - workmen's compensation claimant, 19—667
- testimonial admissions
 - plaintiff's admissions, 19—64

AIRPLANE ACCIDENTS

See AVIATION ACCIDENTS

AIR POLLUTION

See ECOLOGY; DAMAGES, PROPERTY, environmental trespass

AMNESIA

- medical evidence, 18—55
- rebutted by accident facts, 19—329

ANIMAL LAW

- comparative negligence cases, 18—555, 588
- dog-bite accidents
 - common law, 19—120
 - contributory negligence, 18—555
 - statutory liability, 18—555, 588

ANKLE INJURY

- big awards
 - Maryland, 18—386
- medical evidence
 - permanency and rehabilitation, 18—386; 19—496
- small awards inadequate
 - Michigan, 20—583
 - Missouri, 18—774

APPEAL

See also FEDERAL RULES OF CIVIL PROCEDURE

- argument on appeal
 - damages, federal courts, 18—383

INDEX OF SUBJECTS

(References are to volume and page numbers)

APPEAL (continued)

argument on appeal (continued)

- mathematical calculations, 18—270 to 285
- motion pictures, use of, 18—290, 301, 302
- photographs, use of, 18—67
- prejudicial cross-examination, 20—264

articles

"Current Federal Appellate Practice: The New Uniform Rules," 19—397

"Excess Judgments: Appeal Bond Problems," 20—601

elimination of appeal, civil cases, 19—397

record for appeal

- audio-video tapes, 20—398
- motion picture evidence, 18—290, 301, 302
- photographic evidence, 18—67

remittitur accepted, 19—128; 20—681

rights of recovery after appeal, 20—602, 603, 606

stay of execution pending, 20—601

stipulations, effect on appeal, 20—374, 377

ARBITRATION

liability insurance, uninsured motorist coverage, 18—120, 125, 130, 133, 134; 20—1, 3, 11 to 13, 15

ARCHITECTS

See PROFESSIONAL LIABILITY, architects

ARGUMENT ON APPEAL

See APPEAL

ARGUMENT TO JURY

See also AUTOMOBILE ACCIDENTS; DAMAGES, DEATH ACTIONS; DAMAGES, PERSONAL INJURY; PAIN AND SUFFERING, PERSONAL INJURY

adversary's argument rebutted, 19—447

annotations, 18—159 to 163, 418 to 443; 20—55 to 59

closing argument

- abandonment of pleaded defenses, 20—541
- admission of liability, 20—542, 591
- length, 18—158 to 161

counsel's testimony

- damage evaluation, 18—421 to 425
- liability issues, 18—421 to 425

damages

- money demanded, 19—134
- remittitur as cure for misconduct, 19—119

financial status of party

- poverty of plaintiff, 18—430 to 436
- wealth of defendant, 18—430 to 436

(References are to volume and page numbers)

ARGUMENT TO JURY (continued)

honest approach recommended, unfavorable facts, 18—420

injuries or disabilities, 18—425 to 430

instructions, 18—159, 161 to 163, 417, 418, 421 to 443; 20—56, 57

law of case

instructions applied to facts, 18—159, 161 to 163

law criticized, 18—423; 20—52

liability admitted, damages questioned, 20—591

liability insurance

annotations, 18—430 to 436

jury informed by defendant, 18—435, 436

jury informed by plaintiff, 18—431, 433, 434, 436

mathematical calculations, accident facts, 18—270, 273

misconduct of counsel

arguing the law, 20—52, 57 to 59

disparagement of counsel, 18—417, 439 to 443; 19—119

disparagement of party, 18—417, 439 to 443; 19—119

misrepresentation of evidence, 18—421 to 425

opinions of counsel, 18—421 to 425; 19—119

photographic evidence, 18—450

prejudicial argument

disparagement of counsel, 18—417, 439 to 443; 19—119

disparagement of party, 18—417, 439 to 443; 19—119; 20—104, 105

misrepresentations of evidence or law, 18—421 to 425; 20—57 to 59

objections, necessity for, 18—413, 418 to 443; 19—133, 211

prominence of party, 20—570

remittitur of damages as cure, 19—119; 20—104

settlement information, 19—131

ARM INJURY

small awards adequate

Missouri, 20—572

small awards inadequate

Mississippi, 18—655

ARREST OR INDICTMENT OF PARTY

See FALSE ARREST OR IMPRISONMENT; MALICIOUS PROSECUTION

ASSAULT

bill collection cases, 19—511; 20—440

burglary attempt, 19—126

damages

humiliation, 19—126

mental anguish, 19—126

reduction, recovery from co-tortfeasor, 20—584

remittitur practice, 19—126

INDEX OF SUBJECTS

(References are to volume and page numbers)

ASSAULT (continued)

invitee assaulted by employee

annotations, 20—433 to 445

hotel and motel cases, 20—424

punitive damages, 20—435, 438, 440

scope of employment issues, 20—433, 439, 441, 442

invitee assaulted by third person

bowling alley cases, 20—615

foreseeability (knowledge of danger) issue, 19—206; 20—615, 616

hotel and motel cases, 20—417, 418

police protection issue, 19—208

recreation place cases, 19—206; 20—583, 615

photographic evidence, 18—182

police, assault by, 20—152, 441

res gestae evidence, 20—152

suspected cattle thief, assault on county attorney, 18—251

ASSUMPTION OF DUTY

facilitating litigation, 20—179 to 182

safety inspections by insurers, 20—285, 290

ASSUMPTION OF RISK

annotations, 18—501 to 505, 592

automobile guest or passenger cases, 18—501, 505, 592

aviation accidents, 18—334

comparative negligence jurisdictions, 18—550, 592

contributory negligence distinguished, 18—192, 291

fall accidents, 18—192; 19—62

hotel and motel cases, 19—709

motorboat passengers and waterskiers, 20—247, 253

products liability cases, 19—156, 214, 453

sidewalk accidents, 19—62

ski-lift accidents, 18—291

ATTORNEY AND CLIENT

See also **LEGAL MALPRACTICE; PRIVILEGED COMMUNICATIONS**

annotations, 20—486 to 496

articles

"Conflicts of Interest in Defending Insurance Cases," 19—515

"Excess Judgments—Defense Counsel's Liability," 18—259

termination of relationship

client's interest as factor, 20—494

conflict of interests, 20—492

delaying notice to client as malpractice, 20—483

denial of withdrawal as involuntary servitude, 20—483

failure to compensate, 20—482, 483, 493

failure to cooperate, 20—495

(References are to volume and page numbers)

ATTORNEY AND CLIENT (continued)

termination of relationship (continued)

fees after termination, 20—487, 493

involuntary withdrawal, 20—487

refusal of request as error, 20—482, 487, 490, 493

ATTRACTIVE NUISANCE

See **CHILDREN**, property possessor's liability

AUTOMOBILE ACCIDENTS

See also **AUTOMOBILE GUEST CASES**; **DAMAGES**, **PROPERTY**; **MOTORCYCLE ACCIDENTS**

ambulance accidents, 18—451

argument to jury

contributory negligence of child's parents, 19—447

credibility issues, 19—211

driver's license, 19—211

guilty plea, criminal prosecution, 19—211; 20—104

articles

"Review of 1968 Tort Trends," 18—1

bicycle collisions

contributory negligence of bicycle rider, 18—282

mathematical calculations, 18—280, 282, 283

reasonable care by motorist, 18—280, 282

"blackout" or death defense

stroke while driving, 20—165

charts, diagrams and maps

accident reconstruction, 19—696

admissibility discretionary, 18—450

annotations, 18—285 to 288

speed and stopping distance charts, 18—270, 285 to 288

children

automobile parked and unlocked, 19—73

bicycle accidents, 18—280, 282, 284

care imposed on motorist, 18—449; 19—73

contributory negligence, 19—582

pedestrian accidents, 18—314, 448; 19—442; 20—323

tricycle accidents, 19—582

contributory negligence of child's custodian, 19—447

custom and habit evidence

right-of-way, 18—728

directed verdict or judgment for defense, 18—628

directed verdict or judgment for plaintiff, 18—448

drilling-rig accident, 19—589

emergency situations

burden of proof, 20—649

instructions on issue, 20—647

mechanical failure, 20—273

INDEX OF SUBJECTS

(References are to volume and page numbers)

AUTOMOBILE ACCIDENTS (continued)

entrustment of vehicle, 18—500; 20—388

experimental evidence

accident conditions simulated out of court, 18—34, 36 to 40, 63, 294, 295

annotations, 18—36 to 40, 294, 295

lookout of motorist, 18—63

photographs of out-of-court experiments, 18—63

rear-end collisions, 19—644

expert evidence

accelerator or throttle malfunction, 20—644

accident reconstruction, 18—107 to 116, 164 to 167, 170 to 176, 190, 315, 629; 19—381; 20—522

annotations, 18—111 to 116, 164 to 167, 170 to 176, 285

brake failure, 19—218, 442

drilling rig, drive-line break, 19—589

facts in evidence, hypothetical questions, 18—315; 19—590

facts observed as evidence, 18—107 to 116, 170 to 173, 190, 285, 315; 19—381, 442

pedestrian's walking or running speed, 18—288

qualification of expert, 18—107, 110, 112 to 114, 173 to 176

rear-end collisions, force resulting, 19—644

skidding, 18—629

speed issues, 18—164 to 167, 170 to 176, 190, 285, 629

stopping distances, 18—285, 286

testimony heard as basis for opinion, 19—590

farm tractor collision, 18—32

governmental liability, police officer's failure to arrest reckless motorist, 19—322

head-on collision, 18—276, 278, 281; 19—322, 380, 385, 496

identification issues

driver identification, 19—47

instructions

"blackout" defense, 20—165

brake failure, 20—400

emergency situation, 20—647

rescue doctrine, 20—635

right-of-way, favored driver, 18—313; 20—273

seat-belt cases, 20—546, 549, 551

intersection collisions

billboard obstructing view, 20—392

contributory negligence, 18—311, 628; 20—273, 525

deceptive signalling, 20—272

lane crossing, 18—57

last clear chance, 18—277

lookout, 18—63, 728; 19—574, 695

mathematical calculations, 18—270, 275, 276, 281, 283

proximate cause, 18—628

(References are to volume and page numbers)

AUTOMOBILE ACCIDENTS (continued)

intersection collisions (continued)

right-of-way, 18—274, 311, 313, 728; 19—574, 695

speed, 19—695; 20—525

turning violation, 18—58, 59

interspousal immunity abrogated, 19—716

intoxication evidence

annotations, 19—681 to 685

bottle at accident scene, 18—27

driver's intoxication, 18—64; 19—679, 681 to 684; 20—394

keys left in car

annotations, 18—748 to 757

common-law liability, 18—742, 747, 750

dealers' lot cases, 18—756

garage and service men cases, 18—756

glove compartment, 18—747

parking lot cases, 18—743, 754

proximate cause, 18—742, 743, 744, 745, 748, 749, 752, 753

statutory violation, 18—742, 744, 749, 751

taxicab cases, 18—755

last clear chance

clear chance essential, 19—699

comparative negligence jurisdictions, 18—549, 583, 594

contributory negligence, concurrent, 18—629

intersectional collision, 18—277

physical facts considered, 18—277

proximate cause factor, 18—629

leaving road accidents

speed issues, 18—163

mathematical calculations, 18—60, 270, 273 to 288, 315

motion picture evidence

experimental evidence demonstrated, 18—294, 295

lookout demonstrated, 18—293, 294

negligence of another

proximate cause, 19—581

owner's liability

negligent entrustment, 18—500; 20—388

parking accidents

illegal parking, 18—622

passenger accidents

contributory negligence, 18—622; 19—319

standing or parked vehicle, 18—622

passing accidents

contributory negligence, 18—191; 20—386

illegal passing, 18—190; 20—386

physical facts, 18—189, 276; 19—640; 20—522

INDEX OF SUBJECTS

(References are to volume and page numbers)

AUTOMOBILE ACCIDENTS (continued)

pedestrian accidents

- annotations, 18—288
- contributory negligence of adult pedestrian, 18—274, 277, 282; 20—275
- contributory negligence of child pedestrian, 18—314; 19—445; 20—168
- crosswalk issues, 19—698
- lookout issues, 18—284, 314, 448, 449; 19—445, 698; 20—168
- physical facts, 18—274, 277, 282, 284
- right-of-way, 18—277
- speed of pedestrian, 18—279, 288
- speed of vehicle, 18—315, 448

photographic evidence

- accident scene, on-the-spot, 18—110, 180, 187, 450
- annotations, 18—180 to 182
- changed conditions, 18—180 to 182
- colored pictures used, 18—730
- crosswalk issues, 19—699
- experimental evidence demonstrated, 18—63
- expert witnesses, use by, 18—113, 387
- identification issues, 18—190
- lookout issues demonstrated, 18—63, 387, 730
- roadway or street conditions, 18—180 to 182, 190, 450; 19—574, 699
- speed issues demonstrated, 19—574
- vehicles or parts, 18—110, 181; 19—327, 501, 581

physical facts as evidence

- accident reconstruction, 18—107 to 116, 190, 285; 19—574
- annotations, 18—170 to 173, 273 to 285
- mathematical or scientific certainty, 18—60, 270, 273 to 288, 315
- mechanical condition of vehicles, 19—498, 501
- speed issues, 18—170 to 173, 314; 19—498, 501, 574

racing accidents

- "drag race," 20—525

rear-end collisions

- contributory negligence, 18—622
- fog condition, 19—679
- identification of driver, 19—47
- lookout issues, 18—277, 653; 20—530
- mechanical failure, 18—631, 645; 19—442; 20—273, 399, 643
- passenger's contributory negligence, 18—622
- snow or ice condition, 18—653, 665
- standing or parking on roadway, 18—275, 622, 666, 667; 19—327, 580, 643
- stopping for signals or traffic, 18—643, 653, 655, 658, 668; 19—721, 724
- third vehicle involved, 19—580

- res gestae evidence, 19—679; 20—147 to 151

(References are to volume and page numbers)

AUTOMOBILE ACCIDENTS (continued)

res ipsa loquitur

vehicle leaving road, 20—648

respondeat superior issues, 20—179 to 184, 191 to 197

roadblock accidents

road under repair, 20—207

seat-belt cases

“avoidable consequences” rule, 20—550

cause of injury, 18—5 to 7; 20—546, 549

contributory negligence, 18—5 to 7; 20—38, 39, 546 to 552

design negligence, 20—39

future of defense, 20—551

instruction approved, 20—547

speed issues

annotations, 18—164 to 176, 270 to 288, 314

opinion of expert, 18—165 to 167, 170 to 176, 314, 629

opinion of layman, 18—163, 165 to 170; 19—319

pedestrian's walking or running speed, 18—288

physical facts as evidence, 18—270, 273 to 285

proximate cause, 18—629

remote-speed evidence, 18—169

sound as basis for opinion, 18—163, 165 to 167

stopping-distance charts, 18—270, 285 to 288, 330

tachograph evidence, 18—630

statutory violations

backing driver's duty, 20—199

emergency as excuse, 18—59

overtaking and passing, 20—386

proximate cause, 18—629

turning at intersection, 18—59, 60

unavoidable accident defense

“blackout” of motorist, 20—165

mechanical failure, 19—442; 20—643

willful or wanton misconduct

speed issues, 19—319

AUTOMOBILE GUEST CASES

annotations, 18—474 to 534, 584, 592

assumption of risk, 18—501 to 505, 592

burden of proof issues, 18—500, 501

child motorist, 18—459, 497, 498

comparative negligence cases, 18—550, 584, 592

conflict of laws

annotations, 18—527 to 531

“place of injury” rule, 18—528, 529, 531; 19—21 to 24, 703

“significant contacts” rule, 18—470, 472, 527 to 531; 19—21 to 24

constitutionality, 18—475

contributory negligence defense, 18—467, 501 to 505

INDEX OF SUBJECTS

(References are to volume and page numbers)

AUTOMOBILE GUEST CASES (continued)

- definitions of terminology, 18—465, 470, 478 to 482
- directed verdict or judgment for defense, 18—531 to 534
- employee of owner as host, 18—500
- gross negligence or reckless disregard
 - annotations, 18—475 to 482, 505 to 527
 - child motorist, 18—497
 - control, loss of, 18—520 to 527
 - definitions, 18—475 to 482
 - lookout issues, 18—520 to 527
 - sleepy host, 18—516 to 518
 - speed issues, 18—465, 505 to 513
 - stop-sign violations, 18—513 to 515
- guest status
 - annotations, 18—482 to 500
 - babysitting grandmother as guest, 19—696
 - bailee as guest, 18—498
 - brother as guest, 20—662
 - change of status, 18—458, 459, 466, 482 to 484, 494 to 496
 - child as guest, 18—497, 498
 - entering vehicle, 18—482 to 484
 - joint enterprise issues, 18—494
 - leaving vehicle, 18—482 to 484
 - negligent entrustment as exception, 18—500
 - owner as guest, 18—461, 498 to 500
 - payment for transportation, 18—455, 457, 459, 484 to 494; 19—696
 - presumption, passenger as guest, 19—698
- intoxicated driver
 - annotations, 18—518, 519
 - intoxication as misconduct, 18—518, 519
- joint venture, 18—494
- maintenance of vehicle misconduct, 18—519, 520
- miscellaneous misconduct, 18—520 to 527
- negligent entrustment as exception, 18—500
- protests by guest, effect of, 18—466, 494 to 496; 20—662
- purposes of act, 18—459, 462, 474, 475 to 482
- summary judgment, 18—531 to 534
- vehicles covered, 18—482
- willful or wanton misconduct
 - child motorist, 18—497
 - child's misconduct, 18—497
 - control, loss of, 18—520 to 527
 - definitions, 18—475 to 482
 - sleepy host, 18—463, 516 to 518
 - speed issues, 18—505 to 513; 20—662
 - stop-sign violations, 18—468, 513 to 515

(References are to volume and page numbers)

AUTOMOBILE INSURANCE

See also **LIABILITY INSURANCE**, excess judgment liability, and other relevant topics

advertising by insurers, 19—132

application, acceptance or rejection delay, 18—221, 222

articles

“Conflicts of Interest in Defending Insurance Cases,” 19—515

“Coverage Against Uninsured Motorists: Recent Developments,” 18—119

“Excess Judgments: Appeal Bond Problems,” 20—601

“Excess Judgments—Defense Counsel’s Liability,” 18—259

“Insured versus Insurer versus Uninsured Motorist,” 20—1

“Review of 1968 Tort Trends,” 18—1

“Review of 1969 Tort Trends,” 19—1

“Review of 1970 Tort Trends,” 20—29

“The Creation of Insurance Coverage by Estoppel,” 20—461

cancellation by insurer

policy provisions, 18—20

compensation remedies

article, “Review of 1970 Tort Trends,” 20—1

federal proposals, 20—30

Hughes-Crawford plan, 20—30

Massachusetts plan, 20—29, 31, 32

Rockefeller-Steward plan, 20—30

compulsory insurance

Massachusetts, 20—30

defense of insured

uninsured motorist, 18—123; 19—515, 535, 536, 544

direct action against insurer

annotations, 19—194 to 204

common-carrier defendant, 19—200

conflict of laws, 19—203

declaratory judgment use, 20—603 to 607

excess judgments, 20—603

financial responsibility or other compulsory insurance, 19—197, 201

Florida rule, 19—189

governmental (immune) unit that is insured, 19—187, 199

joinder rules, applicability, 158, 189

Louisiana rule, 19—196, 202, 204

nonresident defendant, insurer sued, 19—203

uninsured motorist coverage, 19—192, 201; 20—1

Wisconsin rule, 19—196, 202, 203

excess or other insurance clause

medical payments exclusion, 20—166

exclusion of coverage

automobile sales agency, 18—618

disclaimer distinguished, 18—613

INDEX OF SUBJECTS

(References are to volume and page numbers)

AUTOMOBILE INSURANCE (continued)

exclusion of coverage (continued)

- form provisions, 18—612 to 620**
- nonwaiver agreement, 18—612 to 620**
- racing, 18—612**

medical expense coverage

- "other insurance" exclusion, 20—166**

notice to insurer

- policy provisions, 18—614, 618**

omnibus or additional insured

- emergency use, 19—577**
- permission to use vehicle, 19—577**

uninsured motorist coverage

- annotations, 18—130 to 156; 19—201**
- arbitration provisions, 18—120, 125, 130, 133, 134; 20—1, 3, 11 to 13, 15**
- article, "Coverage Against Uninsured Motorists: Recent Developments," 18—119**
- article, "Insured versus Insurer versus Uninsured Motorist," 20—1**
- claims by uninsured, 18—124, 127**
- collateral source payments, 18—121; 20—19**
- conflict of interest, 20—2, 44**
- cooperation of insured, 18—143 to 145**
- damages recoverable, 20—19, 20**
- defense of insured, 18—123; 19—515, 535, 536, 544**
- defense of uninsured, assistance by insurer, 20—3**
- defenses, other than policy defenses, 20—16, 17**
- definitions and distinctions, 18—134 to 140**
- direct action against insured, 19—192, 201**
- excess insurance clause, 18—145 to 149**
- exclusions from recovery, 20—23, 24**
- hit-and-run situations, 18—121, 142, 143; 20—9**
- insolvent insurer, 18—119, 140 to 142; 20—7**
- joinder, insurer and uninsured motorist, 20—15**
- judgment against uninsured, requirement, 20—13**
- limitation of actions, 18—121, 129, 149, 150; 20—18**
- mandatory counterclaim problems, 20—5**
- multiple coverage, 20—21**
- nature of action, contract or tort, 20—1, 18**
- omnibus coverage, 18—151**
- policy defenses, 18—143 to 145; 20—16**
- policy provisions, 18—134 to 140; 20—14, 15, 26, 27**
- privileged communications, 18—123**
- settlement by uninsured, 18—127**
- subrogation, 20—14, 20, 25**
- under-insured motorists, 20—7**
- uninsured status, 20—5 to 10**
- wrongful death actions, 20—10**

(References are to volume and page numbers)

AUTOPSY EVIDENCE

workmen's compensation, 19—667

AVIATION ACCIDENTS

"act of God" defense, 20—335, 361

airport operation

 fall in terminal, carrier not liable, 20—520

 licensee's rights and duties, 20—171

 private operator's liability, 20—170

assumption of risk, 18—334

bailor-bailee cases, 20—353, 360, 369

care standards

 common carrier, 18—334

Civil Aeronautics Board

 hearings, testimony and reports, 18—333

 investigation of accidents, 18—333

conflict of laws, 19—24

contributory negligence defense, liability, 18—334; 20—352, 358

expert evidence

 cause of accident, 18—333; 20—353, 358, 360

FTCA cases

 annotations, 20—373

 private plane accidents, 20—373

guest statute, applicability, 20—362, 366

non-passengers, injury to, 20—372

private plane accidents

 airport operator's liability, 20—170

 annotations, 20—352

property damage cases

 annotations, 20—371

 vibration damage, 19—256

res ipsa loquitur

 annotations, 20—359, 362

respondeat superior issues, 20—362, 367, 368

seat-belt cases, 18—332, 334

take-off and landing accidents, 20—563

vicarious liability, 20—367, 368

Warsaw Convention

 fall in terminal, carrier not liable, 20—520

weather evidence

 clear air turbulence, 18—333

B

BABY-SITTER ACCIDENTS

baby-sitter's liability

 care of child, 20—637, 655

INDEX OF SUBJECTS

(References are to volume and page numbers)

BACK AND SPINE

See also PARALYSIS; VERTEBRAL FRACTURES AND HERNIATION; "WHIPLASH" INJURY

big awards

federal courts, 18—383
Illinois, 20—200
Mississippi, 18—249
New Jersey, 20—450

excessive awards

Arkansas, 18—244
California, 19—117
Colorado, 19—120
Connecticut, 20—104
Louisiana, 20—319
Maryland, 19—123
Mississippi, 18—249
North Dakota, 19—643

impeachment of disability, 18—644, 645, 647, 648, 665, 667, 668, 778;
19—120, 123, 132, 133, 135, 138, 140, 720, 721, 724; 20—209, 669, 674

liability without damages

Georgia, 19—720
Kansas, 18—665
Maryland, 19—721
Mississippi, 19—724
Missouri, 18—666
Nebraska, 18—667
Oklahoma, 19—500

medical evidence

arthritic or pre-existent complications, 18—646, 667; 19—131, 133,
140, 388, 500, 722; 20—201, 529, 673
chiropractor as witness, 19—131, 643; 20—156, 160, 345, 346
general practitioner as witness, 18—666, 779; 19—118, 135, 138,
140
hospital and office records, 20—672
myelogram evidence, 19—725
neurosurgeon as witness, 20—210
neurotic complications, 18—245, 665; 19—722; 20—209
orthopedic specialist as witness, 18—250, 384, 647, 665; 19—118,
124, 388, 643, 725; 20—209, 320, 529
osteopath as witness, 19—138; 20—162, 163, 345, 346
permanency and rehabilitation, 19—643; 20—104, 320
release, setting aside, 19—60, 227, 233, 242, 243
spondylolisthesis, 19—370
X-rays, 18—245, 384; 19—124, 136, 500, 722

small awards adequate

Florida, 20—209
Illinois, 20—668
Indiana, 20—669

(References are to volume and page numbers)

BACK AND SPINE (continued)

small awards adequate (continued)

Kentucky, 19—131; 20—210

Michigan, 18—644; 19—133

Minnesota, 19—135

Oklahoma, 19—727

Tennessee, 18—645

Texas, 18—647; 20—672

Wisconsin, 18—648; 19—138

small awards inadequate

California, 20—576

BAILMENT CASES

aviation accidents

bailee's liability, 20—353, 369 to 371

motorboat cases, 20—252, 253

parking garage case, 20—638

warehouseman's liability

alarm systems, 19—586

burglary of premises, 19—586

expert evidence, 19—586

foreseeability issues, 19—586

BANKRUPTCY

liability insurance, uninsured coverage, 18—119, 140 to 142

BICYCLE ACCIDENTS

See also AUTOMOBILE ACCIDENTS

contractor's liability, street repair, 20—580

homeowner's liability, weekend minor guest, 20—277

BIRTH CONTROL

annotations, 20—555 to 561

damages for interference, issues

costs of raising child, 20—554, 558, 560

mitigation issues, 20—554, 556, 560

pain and anxiety of unwanted pregnancy, 20—552, 558, 559, 561

druggist's liability, 20—552

medical malpractice, ineffective sterilization, 20—557 to 561

mitigation issues

benefits of child, 20—554, 558, 559, 560

"duty" to give up child, 20—554, 560

oral contraceptives

druggist's liability, failure to fill prescription, 20—552

impeachment, consortium loss allegation, 20—669

public policy issues, 20—553, 558, 559, 560

INDEX OF SUBJECTS

(References are to volume and page numbers)

BLOOD

See also INTOXICATION EVIDENCE; MEDICAL MALPRACTICE; PRODUCTS LIABILITY

medical evidence

serum hepatitis, 20—37

BOWLING ALLEY CASES

annotations, 20—609 to 616

assaults against invitees, 20—615, 616

contributory negligence defense, 20—612, 614, 615

design negligence, 20—613

player accidents, 20—609, 613, 614

spectator accidents, 20—614, 615

BRAIN INJURY

See SKULL FRACTURE AND BRAIN INJURY

BURNS

big awards

Illinois, 20—202

Iowa, 20—314

North Dakota, 19—385

medical evidence

extent, permanency and rehabilitation, 20—315

surgical repair, 19—386; 20—202

BUSINESS INTERRUPTION INSURANCE

See CASUALTY INSURANCE

C

CARBON MONOXIDE POISONING

experimental evidence, 18—43

hotel and motel cases, 20—429

medical evidence, 19—223, 634

workmen's compensation, 19—223

CARDIOVASCULAR DISEASE

See also WORKMEN'S COMPENSATION

accident and health insurance, 19—546, 550, 553 to 558

FELA case, 18—634

medical evidence

accident and health insurance, 19—546, 553 to 558; 20—267

causation by work, 18—634; 20—73

life insurance, accidental death, 19—325

(References are to volume and page numbers)

CARRIER ACCIDENTS

See also AVIATION ACCIDENTS

bus passenger cases

- alighting or boarding, 20—640
- contributory negligence, 20—641
- duty of care, 20—641
- res gestae evidence, 20—151

liability insurance, direct action against insurer, 19—200

railroad passenger cases

- res gestae evidence, 20—151

taxicab cases

- collision with another vehicle, 20—315
- failure of driver to obtain identification of other driver, 20—180
- res gestae evidence, 20—151

CASUALTY INSURANCE

See also ACCIDENT AND HEALTH INSURANCE; LIABILITY INSURANCE

annotations, 20—406 to 415

article

“The Creation of Insurance Coverage by Estoppel,” 20—461

business interruption insurance

- civil disorders, 20—406
- construction of policy, 20—407, 412
- “direct” or “remote” loss, 20—407
- municipal actions, effect, 20—406, 410, 411

“reasonable expectations of policyholders” doctrine

- actual knowledge of restrictions, effect, 20—471
- ambiguity in contract language, 20—470
- “form versus substance” justification, 20—466
- “objectively reasonable expectations,” 20—468
- premium and rating problems, 20—464, 477
- rejection of doctrine, 20—472, 477

CHARITABLE IMMUNITY

annotations, 19—595 to 601

church immunity, 19—595 to 600

constitutional issues, 19—601

education and research immunity, 19—597

hospital immunity, 19—594, 597 to 600

liability insurance coverage, 19—594, 596, 600

CHARTS, DIAGRAMS AND MAPS

See also DAMAGES, DEATH ACTIONS, charts and diagrams

admissibility and use

qualification as evidence, 18—450; 19—696

automobile accident cases, 18—270, 285 to 288, 331; 19—696

products liability cases, 19—456

INDEX OF SUBJECTS

(References are to volume and page numbers)

CHARTS, DIAGRAMS AND MAPS (continued)

- railroad accidents, 19—331
- witness examination aid
 - damages, 19—381
 - expert witnesses, 19—381

CHILDREN

See also AUTOMOBILE ACCIDENTS; AUTOMOBILE GUEST CASES; BABY-SITTER ACCIDENTS; DAMAGES, DEATH ACTIONS

- annotations, 18—497, 498
- automobile guest cases, status as guest, 18—459, 497
- child suing child, 18—625
- contributory negligence, capacity for, 18—555, 583, 626; 19—582
- contributory negligence, custodian of child, 20—311
- dramshop liability, 18—759, 769, 770, 771
- familial litigation
 - article, "Review of 1969 Tort Trends," 19—1
 - child suing brother or sister, 20—662
 - child suing parent, 19—28
 - parent suing child, 19—27, 28
- firearms case, 20—187
- homeowner's insurance
 - child guest as "resident," 20—277
- horseplay accident, 18—625; 20—636
- motorboat operation, standard of use, 20—247, 251
- negligence, capacity for, 18—626; 20—247, 251
- parent's liability for child's tort, 20—187, 655
- property possessor's liability
 - annotations, 19—91
 - attractive nuisance theory, 18—445, 447; 19—69, 700; 20—70
 - automobile, parked and unlocked, 19—73
 - bowling alley cases, 20—614
 - church premises, 20—657
 - directed verdict or judgment for defense, 19—702
 - fall accidents, 20—657, 658
 - fire accidents, 19—700
 - highway right-of-way, 20—658
 - railroad tank car, 18—445
 - reasonable care rule, 19—700
 - trespasser, licensee or invitee, 20—657, 658
- release of liability, 19—245
- toy injuries, 20—187, 636
- unwanted life cases, 20—558, 559
- willful or wanton misconduct
 - automobile guest cases, 18—497, 498
 - capacity for, 18—627
- witness, capacity and capability
 - competency to testify, 19—703

(References are to volume and page numbers)

CIRCUMSTANTIAL EVIDENCE

See also AUTOMOBILE ACCIDENTS, physical facts as evidence;
RES IPSA LOQUITUR

mathematical or scientific certainty
annotations, 18—273 to 288

COLLATERAL SOURCE RULE

See DAMAGES, PERSONAL INJURY

COMPARATIVE NEGLIGENCE

animal cases, statutory liability, 18—555, 588
annotations, 18—570 to 597

Arkansas rule, 18—542, 543, 544, 549, 551, 567, 571, 573, 574, 578, 581,
582, 584, 587; 19—26
articles

“Comparative Negligence—The Wisconsin Rule and Procedure,”
18—537

“Review of 1969 Tort Trends,” 19—1

assumption of risk, 18—550, 592

automobile guest cases, 18—550, 584, 592

bibliography of articles and books, 18—539, 540, 566, 572

burden of proof, 18—553, 586, 593

children, capacity for contributory negligence, 18—555, 583

conflict of laws, 18—597

contribution between tort-feasors, 18—552, 581

criticized, 18—537 to 540

death actions, 18—580, 594, 662

emergency issues, 18—583

“equal to or greater than” rule, 18—540 to 542, 574 to 588

FELA rule, 18—571

FTCA rule, 18—594

Florida railroad rule, 18—571

Georgia rule, 18—542, 543, 544, 549, 567, 571, 573, 574, 578, 580, 581, 582,
583, 584, 585, 586, 588

governmental liability, 18—594, 597

gross negligence, willful or wanton misconduct, 18—556, 557, 587

Hawaii rule, 18—567, 571, 573; 19—26

hotel and motel cases, 20—432

instructions

Georgia, 18—586

Nebraska, 18—593

South Dakota, 18—593

Wisconsin, 18—561, 563, 586, 587

interrogatories to jury, 18—558, 563 to 566, 587

intoxication issues, 18—583

joinder of actions, 18—580 to 582

jury trial

court issues, 18—578, 591, 595 to 597

INDEX OF SUBJECTS

(References are to volume and page numbers)

COMPARATIVE NEGLIGENCE (continued)

jury trial (continued)

jury issues, 18—578, 591, 595 to 597

unanimity of verdict, 18—587

last clear chance, 18—549, 583, 594

Maine rule, 18—542, 545, 549, 568, 571, 573, 574, 575, 588

Massachusetts rule, 18—571, 573; 19—26

Minnesota rule, 18—571; 19—26

Mississippi rule, 18—542, 544, 545, 547, 549, 550, 554, 559, 560, 568, 571, 573, 574, 594 to 597; 19—26

Nebraska rule, 18—542, 544, 545, 547, 549, 550, 551, 569, 571, 573, 574, 588, 589, 591, 592, 593, 594

New Hampshire rule, 18—571, 573; 19—26

nuisance cases, 18—556, 588; 19—261

pleading, 18—553, 586

products liability cases, 18—588

proximate cause, 18—547, 586; 20—170

"pure comparative negligence" rule, 18—594 to 597

recommended, 18—539 to 542

res ipsa loquitur, 18—554

"slight negligence" rule, 18—588 to 594

South Dakota rule, 18—542, 544, 546, 547, 549, 551, 569, 571, 573, 574, 589, 590, 591, 592, 593, 594

strict liability, 18—558, 588

Tennessee "remote contributory negligence" rule, 18—550, 571

trends, 19—25

Wisconsin rule, 18—537 to 588, 648; 19—25, 26; 20—170

COMPENSATION REMEDIES

See also WORKMEN'S COMPENSATION

automobile accident claims, 20—29 to 32

federal proposals, 20—30

Hughes-Crawford plan, 20—30

Massachusetts plan, 20—29

Rockefeller-Steward plan, 20—30

COMPROMISE AND SETTLEMENT

See LIABILITY INSURANCE, excess judgment liability, settlement by liability insurer; RELEASE OF LIABILITY

CONFLICT OF LAWS

articles

"Review of 1968 Tort Trends," 18—1

"Review of 1969 Tort Trends," 19—1

Automobile Guest Act cases, 18—17, 18; 19—21 to 24, 703

aviation accidents, 19—24

comparative negligence jurisdictions, 18—597

"place of injury" rule, 19—703

"significant contacts" rule, 18—17; 19—21 to 24, 703

(References are to volume and page numbers)

CONSOLIDATION OF CASES

See JOINDER OR SEVERANCE OF ACTIONS

CONSORTIUM LOSS

See DAMAGES, DEATH ACTIONS; DAMAGES, PERSONAL INJURY

CONSTITUTIONAL LAW

automobile Guest Acts, 18—475

civil rights

prisoner, personal injury action, 19—31 to 35

damages

new trial, 19—123

punitive damages, 19—506

statutory limitation, 19—391

immunity from suit

charitable, 19—601

jury trial

damages, new trial, 19—123

directed verdicts, 19—265 to 282

FELA cases, 19—265 to 277, 380

CONSTRUCTION ACCIDENTS

See also CONTRACTOR'S LIABILITY

control of "independent" contractor, 20—447

CONTINUANCES

annotations, 20—498 to 510

lack of diligence or preparedness, 20—496, 499, 500 to 504

surprise as ground, 20—506, 510

unavailability of party or counsel, 20—507 to 509

witness's absence, 20—500 to 506

CONTRACTOR'S LIABILITY

control issue, 20—447

excavating accident, 20—447

gas main explosion, severance of action, 20—545

road under construction or repair, 20—207, 580, 658

CONTRACTS

Walsh-Healey contracts, noise exposure limitations, 20—593

CONTRIBUTION BETWEEN TORT-FEASORS

assault case, 20—584

comparative negligence jurisdictions, 18—552, 581

CONTRIBUTORY NEGLIGENCE

See also AUTOMOBILE ACCIDENTS, bicycle collisions and similar topics; CHILDREN

annotations, 18—80 to 83, 501 to 505

INDEX OF SUBJECTS

(References are to volume and page numbers)

CONTRIBUTORY NEGLIGENCE (continued)

argument to jury, 20—55 to 59
assumption of risk distinguished, 18—291, 501 to 505
aviation cases, 18—334
bowling alley cases, 20—612, 614, 615
bus-passenger cases, 20—641
comparative negligence rules, 18—537 to 597
decedent's presumption of reasonable care, 19—585
degrees of contributory negligence, 18—77, 79, 80 to 83
distraction or forgetfulness as excuse, 20—427
dramshop cases, 18—767, 772; 20—275
fall accidents, 18—191; 20—456
hotel and motel cases, 19—708; 20—416, 422, 424, 427
instructions, 18—77, 79, 80 to 83; 20—112, 546
motorboat passengers and water skiers, 20—247, 253
products liability cases, 18—198; 19—156, 167, 214, 453; 20—396
railroad crossing cases, 18—72; 19—57
remote contributory negligence, Tennessee rule, 18—550, 571
seat-belt cases, 18—5 to 7; 20—546 to 552
sidewalk cases, 18—24
ski-lift accident, 18—291
social guest cases, 19—83
statutory violations, 20—386, 525
storekeeper's liability cases, 19—99, 100, 104, 107, 108, 113, 114
theater accidents, 19—459
willful or wanton misconduct, 19—319, 330, 504

CONVICTION OF CRIME

See IMPEACHMENT OF PLAINTIFF, conviction of crime

CORPORATE MANAGEMENT LIABILITY

articles

"Management's Liability in Proxy Statements," 18—672
"Review of 1968 Tort Trends," 18—1
"Review of 1970 Tort Trends," 20—29

inside information, use of, 20—49
intercorporate transactions, 18—21
privity issues, 18—22
Securities Exchange Act, 18—21

COUNTERCLAIMS

malicious prosecution, 20—623, 630

COVENANT NOT TO SUE

See RELEASE OF LIABILITY

CROSS-EXAMINATION

adverse witness called by party, 18—74
automobile accident cases, 18—173 to 176, 190, 315; 20—263

(References are to volume and page numbers)

CROSS-EXAMINATION (continued)

economist as witness

- hazards, 20—119, 124
- income and earnings projections, 20—119
- present worth calculations, 20—122
- qualifications, 20—119

expert witness

- annotations, 19—687 to 693
- assumed facts, 18—315
- books and treatises used, 19—687 to 693
- hypothetical questions used, 18—315
- impeachment, 18—315; 20—122, 591
- uncertainties, facts and opinion, 18—315

medical witness

- anesthesiologist, 19—299
- annotations, 19—687 to 693
- basis of opinion, 20—665
- books and treatises used, 19—686 to 693; 20—335, 344
- cardiovascular disease, 19—548, 552
- chiropractor, 20—345, 346
- health insurance, 19—548, 552
- impeachment, 19—299 to 317; 20—343, 344, 665
- medical malpractice, 19—299 to 317
- osteopath, 20—345
- qualifications, 19—299 to 317; 20—343, 344
- reports not in evidence, 20—665

plaintiff as witness

- admission of accident facts, 18—193; 19—64
- impeachment, 18—193; 20—169, 670
- injury and disability claimed, 20—343
- prior claims, 20—62, 63

property possessor's liability cases, 18—193

purposes and methods of examination

- impeachment, 18—190
- inconsistencies revealed, 18—190
- litigiousness of claimant, 20—60 to 68
- prior mental incapacity revealed, 20—263
- uncertainties revealed, 18—190

self-incrimination, privilege claimed, 19—308 to 310, 314, 317

workmen's compensation cases, 18—74

CUSTOM AND HABIT EVIDENCE

automobile accident cases, 18—728

bowling alley cases, 20—610, 615

merchandising party case, 20—654

INDEX OF SUBJECTS

(References are to volume and page numbers)

D

DAMAGES, DEATH ACTIONS

See also PAIN AND SUFFERING, DEATH

additur practice

Wisconsin, 18—662

argument by plaintiff

"Golden Rule," 18—437, 438

objections, necessity and sufficiency, 18—427 to 430

articles

"Economist Testimony," 20—115

aviation cases, 20—563

big awards, adults

Illinois, 20—447

Iowa, 19—380

big awards, children

Florida, 20—563

charts and diagrams

mathematical valuation, 19—381

children surviving, widow's legal and moral duties, 19—636

companionship loss

adult decedent, 19—380, 637

comparative negligence rules, 18—580, 594, 662

comparison of awards

federal courts, 19—634

excessive awards, adults

Delaware, 19—635

federal courts, 18—240; 19—634

Illinois, 20—105

Massachusetts, 18—242

Michigan, 19—636

Tennessee, 20—108

excessive awards, children

South Carolina, 18—391

expectancy of decedent

mortality tables, 20—108

work expectancy, 18—241; 20—131 to 140

expert evidence

actuary, 20—448

earnings, loss of, 18—241; 19—381; 20—131

economist, 18—661; 19—381; 20—115, 448

present worth, 19—381; 20—137, 448

grief of survivors

child decedent, 18—393; 20—565

health and habits evidence

adult decedent, 19—381

child decedent, 18—776; 20—564

widow's health, prejudicial evidence, 20—106

(References are to volume and page numbers)

DAMAGES, DEATH ACTIONS (continued)

- income tax evidence
 - annotations, 19—439
 - earnings, proof or disproof of loss, 19—434 to 440; 20—106
 - tax exemption of award, 19—439, 440
- liability without damages
 - Illinois, 18—776
- new trial, damages alone
 - Illinois, 20—105
- pecuniary loss, adult decedent
 - earning capacity, 18—241
- pecuniary loss, child decedent
 - congenitally impaired child, 18—777
 - contributions anticipated, 18—660
 - earning capacity, 18—393
- photographic evidence
 - decedent after death, 18—186, 243
 - decedent before death, 18—187
- presumption of damages
 - child decedent, 18—777
- remittitur practice
 - federal courts, 18—240; 19—630
- small awards adequate, children
 - Montana, 18—660
- small awards inadequate, adults
 - Wisconsin, 18—662

DAMAGES, PERSONAL INJURY

See also **FEDERAL EMPLOYERS' LIABILITY ACT; INSTRUCTIONS; MEDICAL EVIDENCE; MENTAL PAIN; PAIN AND SUFFERING, PERSONAL INJURY**; and special topics such as **ANKLE INJURY, BACK AND SPINE**

- ad damnum
 - increase after verdict, 19—378
- additur practice
 - Louisiana, 20—582
- amenities of life, loss, 18—384, 390, 775; 19—135; 20—312, 663
- appellate review
 - federal courts, 18—383; 19—378
 - objections, necessity and sufficiency, 18—425 to 439
- apportionment
 - indivisible injury, 18—451
 - joint tort-feasors, 18—246
 - pre-existent disabilities, 18—246
- argument by defense
 - annotations, 18—427 to 439
 - money demanded, 19—134
 - trust fund, FTCA cases, 20—312

INDEX OF SUBJECTS

(References are to volume and page numbers)

DAMAGES, PERSONAL INJURY (continued)

argument by plaintiff

- annotations, 18—427 to 439
- comparison, earnings or wealth of others, 18—430 to 436
- cursing, 19—638
- disparagement of counsel, 19—119, 638
- disparagement of party, 19—119, 638
- "Golden Rule," 18—436 to 439
- prominence of defendant, 20—570
- remittitur of damages as cure, 19—119; 20—104
- settlement information, 19—131

articles

- "Comparative Negligence—The Wisconsin Rule and Procedure," 18—537
- "Review of 1968 Tort Trends," 18—1

assault

- Michigan, 20—583
- Montana, 18—251
- New Mexico, 19—126

child claimant

- earnings, future, 19—387; 20—200, 311
- earnings, past, 20—311, 676

collateral source rule

- credibility issues, 19—133; 20—577
- failure to object, 20—670
- insurance proceeds, 20—576, 577
- railroad retirement, 19—118
- rationale of rule, 20—579
- uninsured motorists, 20—19
- vacation or sick leave pay, 20—670
- workmen's compensation, 18—57, 199

comparison of awards

- Alabama, 18—244
- Texas, 18—389
- Virginia, 18—253

consortium, loss by husband

- Alabama, 18—663
- Illinois, 19—496; 20—668
- Michigan, 18—645
- New Jersey, 20—450

consortium, loss by wife

- article, "Review of 1968 Tort Trends," 18—1
- District of Columbia, 18—10
- Illinois, 20—668
- Michigan, 18—11
- Missouri, 18—775
- New York, 18—11
- Puerto Rico, 20—453
- Wisconsin, 18—11
- workmen's compensation as bar, 20—650

(References are to volume and page numbers)

DAMAGES, PERSONAL INJURY (continued)

- earnings, future, 18—253, 254, 333, 389, 643, 654, 656, 775; 19—387; 20—115, 131 to 140, 200, 311, 453
- earnings, past, 18—383, 643; 19—128; 20—208, 311, 453, 669
- elderly plaintiffs, 18—386; 19—120; 20—111, 570
- expectancy issues
 - future institutional care, 20—312, 664
 - health and habit evidence, 20—451, 453
 - life expectancy, 20—664
 - mortality tables, 20—570, 571, 664
 - permanency of disability, 20—312, 455
 - shortened expectancy, 20—313
 - work expectancy, 18—384; 20—110, 131 to 140, 676
- family circumstance evidence, 20—107
- future medical care
 - reduction to present worth, 20—314
- income tax evidence
 - annotations, 19—426 to 430, 433 to 440
 - discovery, 19—425, 426 to 430
 - earnings, proof or disproof of loss, 19—431, 433 to 440
 - tax exemption of award, 19—439, 440
- liability without damages
 - Alabama, 18—663
 - consortium loss, 19—496; 20—208, 669
 - Georgia, 19—720
 - Illinois, 19—496
 - Indiana, 18—778
 - Maryland, 19—140, 721
 - medical evidence, 19—140
 - Mississippi, 19—724
 - Missouri, 18—775, 781
 - Nebraska, 18—667
 - Oklahoma, 19—498, 500
- limitation by statute
 - constitutionality, 19—391
- mathematical segmentation, 20—452, 456
- medical expenses, 18—383, 390, 643, 644, 645, 650, 655, 657, 664; 19—386, 392, 496, 726; 20—200, 311, 449, 452, 664
- mitigation
 - avoidance of re-injury, 19—122
 - rehabilitation, 18—199
- new trial, damages alone
 - California, 20—576
 - Colorado, 18—390; 19—120, 388
 - federal courts, 19—387
 - Florida, 18—651
 - Hawaii, 19—121
 - Illinois, 19—391; 20—675
 - Maryland, 19—123

INDEX OF SUBJECTS

(References are to volume and page numbers)

DAMAGES, PERSONAL INJURY (continued)

new trial, damages alone (continued)

- Michigan, 20—284
- Mississippi, 18—655
- Pennsylvania, 18—656
- Rhode Island, 20—107
- South Dakota, 18—657
- Virginia, 18—252
- West Virginia, 18—658; 20—326

new trial, damages and liability

- federal courts, 18—650; 20—568
- Florida, 19—390
- Hawaii, 18—246
- Illinois, 18—652; 19—496
- Missouri, 18—666, 774
- Ohio, 20—664
- Pennsylvania, 19—392

permanency of disability, 20—448, 452

physician as claimant, 20—452

present worth, 20—311, 313

remittitur practice

- Alabama, 18—243
- appeal after acceptance, 19—128, 642; 20—681
- Arkansas, 18—244
- California, 19—117
- Illinois, 18—248
- Louisiana, 20—319, 448
- Minnesota, 19—642; 20—318
- Mississippi, 18—249
- Montana, 18—251
- New Jersey, 20—451
- New Mexico, 19—126
- New York, 20—321
- prejudicial argument cure, 19—117
- Texas, 18—389; 20—109
- Virginia, 18—253
- Wisconsin, 18—254; 20—111

DAMAGES, PROPERTY

See also VIBRATION DAMAGE

article, "Defending a Noise Pollution Case," 20—587

automobile damage

- approximation of loss, 19—249
- before-and-after value, 19—248
- owner's opinion, 19—248
- repair evidence, 19—248, 249
- transportation costs during repair, 19—249

aviation accidents, 20—371, 372

(References are to volume and page numbers)

DAMAGES, PROPERTY (continued)

environmental trespass

- airplane overflights, 19—256
- air pollution, 19—252, 258, 261
- coal, 19—258, 261
- crop and vegetation damage, 19—253, 261
- land, 19—252, 255, 256, 258, 259
- mitigation, 20—589, 591, 593
- noise, 19—252, 256, 259; 20—587
- nuisance theory, 19—252, 258, 261
- photographic evidence, 19—254
- vibration damage, 19—256

land and buildings

- airplane overflights, 19—256; 20—593
- automobile collision, 19—251
- before-and-after rule, 19—249
- expert evidence, 19—251, 257; 20—590, 592
- fire loss, 19—249
- life tenant's loss, 19—251
- owner's opinion, 19—249
- photographic evidence, 19—252
- repair evidence, 19—250
- vibration damage, 19—256

DAMAGES, PUNITIVE

See also DEFAMATION; MALICIOUS PROSECUTION

- appellate review, 19—508, 511; 20—212, 680
- assault cases, 18—251; 19—127, 511; 20—435, 438, 440
- automobile accidents, 19—510; 20—324
- big awards
 - federal courts, 19—503
 - Idaho, 20—211
 - Iowa, 19—507
- burden of proof, 19—502, 505, 506
- constitutional issues, 19—506
- corporate liability, 19—502, 507; 20—212, 680
- death actions, 19—503
- defamation, 20—213, 678
- excessive awards
 - California, 19—505
 - Florida, 20—326
 - Pennsylvania, 20—678
 - Wisconsin, 19—511
- false arrest or imprisonment, 19—509; 20—326, 678
- fraud, 20—211
- gross negligence, 20—432
- insurer's liability, 18—222; 20—81, 88, 89
- intentional wrong, 19—125

INDEX OF SUBJECTS

(References are to volume and page numbers)

DAMAGES, PUNITIVE (continued)

- interrogatories to jury, 19—505; 20—324
- intoxication issues, 19—510
- malice factor, 19—505, 507, 509, 513; 20—82, 88, 89, 622, 679
- malicious prosecution cases, 20—617, 622
- measurement rules
 - compensatory loss factor, 19—508; 20—212, 681
 - wealth of defendant, 19—513; 20—680
- medical malpractice cases, 19—509
- nuisance cases, 19—507
- policy factors, 19—502
- pollution cases, 19—507
- products liability cases, 19—502, 505; 20—103
- railroad accidents, 19—503
- recklessness as factor, 19—502; 20—214
- remittitur practice
 - California, 19—505
 - Iowa, 19—508
 - Wisconsin, 19—511
- respondeat superior liability, 20—212, 435, 438, 440, 678
- slander, 20—210, 679
- wanton misconduct, 19—503, 507, 509, 510; 20—323

DEATH ACTIONS

See also DAMAGES, DEATH ACTIONS; LIFE INSURANCE;
PRENATAL DEATH; WORKMEN'S COMPENSATION

- aviation case, 20—563
- comparative negligence jurisdictions, 18—580, 594, 662
- municipal liability, 20—447
- uninsured motorist coverage, 20—10

DEATH CERTIFICATES

See RECORDS AND REPORTS

DECLARATORY JUDGMENT

article

- "Excess Judgments: Appeal Bond Problems," 20—601
- homeowners' insurance, policy interpretation, 20—277
- waiver of limits allegations, 20—603 to 607

DEFAMATION

annotations, 18—703 to 714

articles

- "Management's Liability in Proxy Statements," 18—673
- "Review of 1968 Tort Trends," 18—1

big awards

New York, 20—213

business or professional fraud, 20—211

(References are to volume and page numbers)

DEFAMATION (continued)

constitutional limitations, 18—13, 686 to 688, 696 to 698, 702 to 712

corporate proxy statements

constitutional limitations, 18—686 to 688, 696 to 698

definitions, 18—679 to 681

privilege under state law, 18—700, 701

republishing by corporation, 18—674, 691

SEC rules and regulations, 18—673 to 696

state defamation laws, 18—686 to 690, 699

truth as defense, 18—684

crime accusation, 20—213, 389, 678

freedom of speech defense, 18—14

insurer as defendant, 20—86, 88, 89, 90, 91 to 93

libel per se, 18—13, 707; 20—214, 389

malice as element, 18—14, 696 to 698, 712 to 714; 20—389

newspaper or magazine libel

newspaper cases, 18—13, 704; 20—389

privacy distinguished, 18—704

privilege defense

judicial proceedings, 20—86

public figure, 18—14, 15, 697, 703 to 712; 20—389

radio or TV publication, 20—213

“reckless disregard” test, 18—706; 20—214

slander cases, 20—210

small awards adequate

Illinois, 20—210

truth as defense, 18—684, 706

DEMONSTRATIVE EVIDENCE

See CHARTS, DIAGRAMS AND MAPS; EXHIBITION OF PERSONAL INJURY PLAINTIFF; MODELS; OBJECTS DEMONSTRATED; PHOTOGRAPHIC EVIDENCE, and similar topics

DEPOSITIONS

See also DISCOVERY DEPOSITIONS

use instead of oral testimony

appellate review, 20—321

DESIGN LIABILITY

See PRODUCTS LIABILITY

bowling alley cases, 20—613

theater accident cases, 19—459

DIABETES

accident and health insurance, 19—550

INDEX OF SUBJECTS

(References are to volume and page numbers)

DIRECTED VERDICT OR JUDGMENT NOTWITHSTANDING VERDICT

See also AUTOMOBILE ACCIDENTS and other relevant topics annotations, 18—531 to 534; 19—278 to 297

articles

“Sufficiency of Evidence to Take Federal Diversity Case to Jury; The Two Decisions in Boeing versus Shipman,” 19—265

constitutional law, jury trial, 19—265 to 282

contributory negligence, question of law, 20—641

defendant's liability, damage issues for trial, 19—723, 726

federal court standards, 19—265 to 278

FELA standard, 19—265 to 277

judicial rationale, 19—265 to 277

life insurance, accidental death, 19—325

“physical facts” rule justifying, 20—397

refusal as error, 20—391, 393, 397

state court standards, 19—278 to 297

substantial evidence, “reasonable man” test, 19—265 to 297

DIRECT EXAMINATION

medical witness

back and spine, 19—36 to 45

demonstrative evidence, use, 20—349

example, 19—36 to 45

findings from examination, 19—36 to 45

hernia, 19—43

negative findings, 19—36, 41 to 43

objectivity and qualifications, emphasis on, 20—348

orthopedic surgeon, 19—36 to 45, 124

qualifications, 19—36, 38 to 41

testimony outside of specialty, 19—43 to 45

DISABILITY INSURANCE

See ACCIDENT AND HEALTH INSURANCE

DISCOVERY

See also DISCOVERY DEPOSITIONS; FEDERAL RULES OF CIVIL PROCEDURE; INTERROGATORIES TO PARTIES; MEDICAL EXAMINATION OF CLAIMANT; PRIVILEGED COMMUNICATIONS

article, “Medical Defense of P.I. Cases,” 20—329

Federal Rules of Civil Procedure, 1970 amendments, 20—32 to 34

good cause requirement eliminated, federal rules, 20—33

liability insurance coverage, 18—123, 374, 375; 20—32

medical evidence, 20—332 to 343

medical history of plaintiff, 20—279, 280

motion pictures, 18—296 to 298, 302

substantial need requirement, federal rules, 20—33

(References are to volume and page numbers)

DISCOVERY (continued)

trial preparation materials, 20—33

witnesses

Rules of Civil Procedure (federal and state), 20—34

DISCOVERY DEPOSITIONS

motion pictures in sound, use of, 18—302

plaintiff's deposition

injury and disability facts, 20—669

status on premises, 20—655

summary judgment use, 20—654

workmen's compensation, 19—648

DISFIGUREMENT

big awards

federal courts, 18—385; 20—312

Louisiana, 20—448

North Dakota, 19—385

excessive awards

Maryland, 19—123

medical evidence, 18—385; 19—123, 496, 727; 20—449

small awards adequate

Kentucky, 19—726

small awards inadequate

federal courts, 19—387

Mississippi, 18—655

DOG-BITE ACCIDENTS

See ANIMAL LAW

DRAMSHOP LIABILITY

annotations, 18—768 to 772

common-law liability

contributory negligence, 18—767, 772

criminal statute violation, 18—758, 759, 771

intoxicated person as purchaser, 18—765, 770, 771

intoxication solicited, 18—765, 770, 771

minor as purchaser, 18—759, 769, 770, 771

package seller's liability, 18—758

patron injured, 18—761, 764, 769 to 771

public policy, 18—763

third person injured, 18—758 to 763, 768 to 770; 19—213

contributory negligence, 20—275

statutory liability

extraterritorial effect, 19—212

purchaser's intoxication, duty to determine, 20—276, 277

INDEX OF SUBJECTS

(References are to volume and page numbers)

DRUGGISTS' LIABILITY

See also PROFESSIONAL LIABILITY, pharmacists
selling liquor to minor, 18—759

E

ECOLOGY

See also DAMAGES, PROPERTY, environmental trespass
air pollution, 15—85; 19—2 to 4, 252, 258, 261
articles

“Defending a Noise Pollution Case,” 20—587

“Review of 1969 Tort Trends,” 19—1

automobile pollution, 19—2 to 4

noise pollution

acoustic trauma, 19—259; 20—590, 598

damage, mitigation of, 20—589, 591, 593

experimental evidence, 20—589

expert evidence, 19—257; 20—587, 590, 592

governmental liability, traffic noise, 20—587

lay evidence overcoming expert evidence, 19—257

negligence cases, 19—258

nuisance cases, 19—252, 259

sound level measurement, 20—589, 592

ELECTRICAL ACCIDENTS

strict liability of utility, 20—36

ELEVATOR ACCIDENTS

liability of insurer, safety inspection, 20—287, 292

EMBALMERS

See PROFESSIONAL LIABILITY, morticians, embalmers and
funeral directors

EMERGENCY VEHICLE ACCIDENTS

See AUTOMOBILE ACCIDENTS

EMINENT DOMAIN

models evidence, 18—31

EMOTIONAL DISTURBANCES

See MENTAL PAIN; NEUROSES AND PSYCHOSES

EPILEPSY

excessive awards

Ohio, 20—664

medical evidence

diagnosis based on reports not in evidence, 20—664

electroencephalogram (EEG), 20—665

(References are to volume and page numbers)

ESTOPPEL BY JUDGMENT

See **RES JUDICATA**

EVIDENCE

See also **EXPERT EVIDENCE; MEDICAL EVIDENCE; PHOTOGRAPHIC EVIDENCE**, and other evidentiary topics

another person injured, 19—695

audio-video tapes, experimental testing, 20—398

failure to produce

medical evidence, 18—46 to 55; 19—501, 559, 562 to 566, 592

objections before jury, 18—48 to 51

offer to prove before jury, 18—50, 51

stipulations

effect, form and duration, 20—374

probative value, 20—376, 381

EXCESS JUDGMENTS

See **LIABILITY INSURANCE**, excess judgment liability

EXHIBITION OF PERSONAL INJURY PLAINTIFF

arm, leg or foot, 18—249; 19—592, 640

back and spine, 19—135

disfigurement, 19—720

fingers or hand, 19—640

motion pictures, 18—298

motorcycle-automobile collision, 18—63

nursing-home view, 18—377

paralysis, 19—640

EXPERIMENTAL EVIDENCE

See also **AUTOMOBILE ACCIDENTS**

annotations, 18—35 to 46

carbon monoxide poisoning, 18—43

drilling rig, drive-line break, 19—589

explosions, 18—43

fall cases, 18—42

farm accidents, 18—34

FELA cases, 18—40, 296

household products, 18—68

motion pictures used by expert, 18—45, 294, 295

noise pollution, 20—589

oil tank cases, 18—43

photographs used by expert, 18—44, 45, 63

products liability

animal immunization, 18—41

automobile cases, 18—42; 19—218

firearms, 18—42

flammability of product, 18—42

INDEX OF SUBJECTS

(References are to volume and page numbers)

EXPERIMENTAL EVIDENCE (continued)

products liability (continued)

hydraulic lift, 20—398

stepladder construction, 19—54

value of evidence, 18—41

railroad crossing cases

lookout at crossing, 18—40, 41

scientific principles demonstrated, 18—43, 44

water main cases, 18—43

EXPERT EVIDENCE

See also AUTOMOBILE ACCIDENTS; EXPERIMENTAL EVIDENCE; MEDICAL EVIDENCE; PRODUCTS LIABILITY

articles

"Defending a Noise Pollution Case," 20—587

"Economist Testimony," 20—115

aviation accidents, 20—353, 358, 360

basis for opinion

books and treatises, 19—687 to 693

insufficient basis, 20—610

mortality tables, 20—115, 118, 136

statistics and reports by federal government, 20—116, 118, 125

building damage, 19—251, 257

certainty of opinion

probability opinion, 20—610

charts and diagrams used by expert, 19—381

chemical reaction, 20—268

drilling rig, drive-line break, 19—589

glass manufacture, 19—458

hydraulic lift design, 20—396

hypothetical facts assumed by expert, 18—315; 19—590

land use, 19—255

liability insurance cases, 18—345, 380, 381

life insurance cases, 20—394

medical opinion by non-physician, exclusion, 20—268, 269

noise pollution cases, 20—590, 592

present value, lost earnings, 20—448

stipulated testimony, 20—379, 380, 382

testimony heard as basis for opinion, 19—589

vibration damage, 19—257

warehouseman's liability, 19—586

witnesses

accidentologist, 18—629; 20—524

acoustical engineer, 19—257; 20—591

actuary, 20—110, 448

airplane pilot, 20—353, 358, 361

automobile engineer, 19—218

automobile mechanic, 19—442; 20—644

banker, 19—384

(References are to volume and page numbers)

EXPERT EVIDENCE (continued)

witnesses (continued)

- chemical engineer, 20—268
- chemist, 20—394
- construction contractor, 19—251
- economist, 18—661; 19—383, 436; 20—115 to 130, 135, 448, 664
- engineer, 19—54; 20—590
- factory manager, 19—54
- investment counselor, 20—117
- life insurance agent, 20—110
- mechanical engineer, 19—251, 590
- metallurgist, 19—54, 590
- police officer, 19—381
- psychologist, 18—303, 304 to 309
- real estate appraiser, 19—255
- snowmobile design engineer, 19—216
- vibration specialist, 20—587
- waterskier, 20—244
- window design engineer, 19—158

EXPLOSIONS

- boiler explosions, 20—290, 291, 292
- compressed air, 20—293
- experimental evidence, 18—43
- gas explosions
 - mains, lines and tanks, 18—65, 222
 - photographic evidence, 18—67
- hotel and motel cases, 20—432
- liability of insurer, safety inspections, 20—290 to 293
- wheat dust, 18—43

EYES

See also VISION IMPAIRMENT OR LOSS

big awards

- Illinois, 20—103
- North Dakota, 19—386

medical evidence

- ophthalmologist, 18—102

F

FALL ACCIDENTS

See also BOWLING ALLEY CASES

- air terminal, carrier not liable, 20—520
- annotations, 18—178, 179
- assumption of risk, 18—192; 19—62
- bowling alley cases, 20—609, 613, 614
- bus-passenger cases, 20—640

INDEX OF SUBJECTS

(References are to volume and page numbers)

FALL ACCIDENTS (continued)

church case, 20—657
contractor's liability, 20—658
contributory negligence, 18—192; 20—641
experimental evidence, 18—42
FELA cases, 19—117
highway right-of-way, 20—658
hospital, 20—659
hotel or motel cases, 19—707, 708 to 711; 20—415, 416, 422, 424 to 431
ladder cases, 18—31, 183
motion picture evidence, 18—293
photographic evidence, 18—177, 178, 179; 19—461
property possessor's liability, 18—42; 20—653, 657, 658, 659, 660
scaffold accidents, 18—191
sidewalk cases, 18—42, 451; 19—62; 20—452
ski-lift accidents, 18—289
social guest cases, 20—659
storekeeper's liability, 18—42, 177, 178, 179, 194, 293; 19—94 to 115; 20—450
theater cases, 19—459
unavoidable accident defense, 18—193

FALSE ARREST OR IMPRISONMENT

See also DAMAGES, PUNITIVE; DEFAMATION

damage awards
 compensatory, 20—680
 punitive, 20—681

FARM ACCIDENTS

contributory negligence defense, 18—33
experimental evidence, 18—34
tractor overturn, 18—32

FEDERAL COURTS, DIVERSITY JURISDICTION

annotations, 19—278 to 297
articles
 " Sufficiency of Evidence to Take Federal Diversity Case to Jury:
 The Two Decisions in Boeing versus Shipman," 19—265
directed verdicts or JNOV, 19—278 to 297
jurisdictional amount, 19—368

FEDERAL EMPLOYERS' LIABILITY ACT

agency of contractor, 20—205
annotations, 18—40; 20—235 to 239
appellate review of verdict
 directed verdict or judgment for defense, 19—265 to 277
 remittitur practice, 19—378
 United States Supreme Court decisions, 19—380
article, "Agents and Employees Under the FELA," 20—217

(References are to volume and page numbers)

FEDERAL EMPLOYERS' LIABILITY ACT (continued)

cardiovascular disease as cause of death, 18—634

comparative negligence rule, 18—571

construction of act

“common carrier by railroad,” 20—230

damages

big awards, 19—378; 20—200, 202, 204

collateral source payments, 19—117

excessive awards, 19—117, 378; 20—109

small awards adequate, 20—322

defense verdicts, 18—634

employment by railroad

“common carrier by railroad” test, 20—230

loaned servant cases, 20—221, 222, 227

non-interstate rail operations, 20—238, 239

“piggyback” trucking employees, 20—232, 234, 237

refrigerator car company employees, 20—237, 238

wholly owned subsidiaries, 20—232, 234, 236

evidence

contract of carriage, 20—223, 224, 225

experimental evidence, 18—40

expert evidence, 20—110

fall accidents, 19—117

lifting accidents, 18—634; 20—200

loading and unloading accidents, 19—378

medical evidence, 18—634; 19—378; 20—109, 202

presumptions, employer's due care, 20—201

release, setting aside, 19—246

res gestae evidence, 20—144, 147

safe place to work, 20—201

switching accidents, 20—202

FEDERAL RULES OF CIVIL PROCEDURE

annotations, 18—718 to 726

appeal, United States courts of appeal

adoption of new Uniform Rules, 19—398

argument (oral), Rule 34, 19—405, 410

bond for costs, Rule 7, 19—401

bond, supersedeas, Rule 8, 19—401

briefs, Rules 28, 30, 31 and 32, 19—403 to 405

consolidation of causes, Rule 3, 19—399

costs, Rules 7 and 39, 19—401, 406

delay, damages for, Rule 38, 19—406

dismissal, voluntary, Rule 42, 19—407

extraordinary writs, Rule 21, 19—402

filing and docketing, Rules 12, 25 and 26, 19—402, 403

forms, suggested, 19—408

frivolous appeal, damages for, Rule 38, 19—406

hearing in banc, Rule 35, 19—406

INDEX OF SUBJECTS

(References are to volume and page numbers)

FEDERAL RULES OF CIVIL PROCEDURE (continued)

appeal, United States courts of appeal (continued)

- injunction pending appeal, Rule 8, 19—401
- interest on judgment, Rule 37, 19—406
- interlocutory appeals, Rule 5, 19—400
- judge, disqualification of, 19—409
- local rules, 19—408 to 418, 422
- motions, Rule 27, 19—403, 410
- notice, Rules 3 and 5, 19—399, 400, 408
- parties, substitution of, Rule 43, 19—408
- permissive appeal, Rule 5, 19—399
- prehearing conference, Rule 33, 19—405, 409
- record on appeal, 19—401 to 403, 418 to 422
- rehearing, Rule 40, 19—407
- right without permission, Rules 3 and 4, 19—399
- right with permission, Rule 5, 19—400
- stay of judgment, Rules 8 and 41, 19—401, 407
- summary judgment, 19—411 to 418, 423
- transmission of record, Rule 11, 19—401

articles

- "Current Federal Appellate Practice: The New Uniform Rules," 19—397
- "Review of 1970 Tort Trends," 20—29

discovery

- electronic data compilations, 20—34
- expert testimony, 20—33
- insurance coverage, 20—32
- medical evidence, 20—332
- trial preparation materials, 20—33

interrogatories to parties, Rule 33

- accident facts, 18—719 to 726
- names of witnesses, 18—716, 718 to 726
- updating of answers, 18—718

FEDERAL TORT CLAIMS ACT

See also STATE TORT CLAIMS ACT

- automobile accidents, 20—309
- aviation accidents, 20—373, 374
- big awards, 20—309
- comparative negligence jurisdictions, 18—594
- military, rocket accident, 19—387
- small awards inadequate, 19—387

FINGERS

See HAND AND FINGER INJURIES

FIRE ACCIDENTS

- hotel and motel cases, 20—432
- municipal liability, 20—447

(References are to volume and page numbers)

FIREARM ACCIDENTS

child cases, 20—187

storekeepers' liability, privilege to resist robbery, 20—643

FIRE INSURANCE

See CASUALTY INSURANCE; LIMITATION OF ACTIONS,
fire and windstorm insurance

FOOT AND TOE INJURY

big awards

federal courts, 19—378; 20—204

excessive awards

Illinois, 18—248

medical evidence, 18—248; 20—154

FRAUD AND DECEIT

commercial fraud, automobiles, 20—211

damages, punitive, 20—211

respondeat superior, 20—212

FRIGHT OR MENTAL ANGUISH

See MENTAL PAIN

FUNERAL DIRECTORS

See PROFESSIONAL LIABILITY, morticians, embalmers and
funeral directors

G

GAS EXPLOSIONS

See EXPLOSIONS

GOVERNMENTAL IMMUNITY

See also CHARITABLE IMMUNITY

annotations, 19—604 to 632

damages

statutory limitation, 19—391

educational entities, 19—607 to 631

employees and officials of government, 19—601, 607 to 631

governmental or proprietary functions, 19—601, 602, 607 to 631

hospital operation, 19—607 to 631

inspection of buildings, 19—603

liability insurance coverage, 19—187, 189, 606

municipal immunity, 19—601, 602, 607 to 631

police officer's tort, 19—601, 607 to 631

state and subdivisions, immunity of, 19—607 to 631

statutory immunity, 19—607 to 631

Tort Claims legislation, 19—607 to 631

waiver of immunity, 19—602, 607 to 631

INDEX OF SUBJECTS

(References are to volume and page numbers)

GOVERNMENTAL LIABILITY

See also **FEDERAL TORT CLAIMS ACT; MUNICIPAL LIABILITY**

blood transfusion cases, 18—92
comparative negligence jurisdictions, 18—594
police officer's failure to arrest reckless motorist, 19—322
traffic noise pollution, 20—587

H

HAND AND FINGER INJURIES

excessive awards

Maryland, 19—123

Virginia, 18—252

medical evidence, 18—252, 253

HEARING IMPAIRMENT

disability evaluation, workmen's compensation, 20—594, 596, 597

small awards adequate

Michigan, 19—133

HEART DISEASE

See **CARDIOVASCULAR DISEASE**

HEPATITIS

blood transfusion contamination, 18—84, 86, 87 to 92; 20—37

HIP INJURY

medical evidence, 18—656

small awards inadequate

Illinois, 19—391

Pennsylvania, 18—656

HOMEOWNERS' INSURANCE

articles

"The Creation of Insurance Coverage by Estoppel," 20—461

business pursuits exclusion

babysitting, 20—655

"continuity of activity" test, 20—656

merchandising party, 20—656

non-business activity causing harm, 20—656

coverage questions

child weekend guest, 20—277

declaratory judgment

construction of policy terms, 20—278, 279

HORSEPLAY ACCIDENTS

child cases, 18—625

(References are to volume and page numbers)

HOSPITAL LIABILITY

See CHARITABLE IMMUNITY; GOVERNMENTAL IMMUNITY; MEDICAL MALPRACTICE

visitor accidents

fall accident, 20—659

HOSPITAL RECORDS

admissibility, authentication, 20—336

discovery, 20—336

workmen's compensation, 19—650, 654, 655, 669 to 671

HOTEL AND MOTEL CASES

duty of guests, 20—422

duty of innkeeper, 20—420, 430

guest, liability to

annotations, 19—709 to 711; 20—420 to 432

assaults by employees, 20—424

assaults by third parties, 20—417, 418

assumption of risk, 19—709

carbon monoxide poisoning, 20—429

comparative negligence, 20—432

contributory negligence, 19—708; 20—415, 416, 422 to 427

defective furnishings or equipment, 20—425 to 432

fall accidents, 19—707, 709 to 711; 20—415, 424 to 431

fire accidents, 20—284, 431, 432

icy or other hazardous conditions, 20—415, 426, 429, 430

insurer's liability, negligent safety inspection, 20—284

lighting, emergency failure of electricity, 19—707

lighting, sufficiency of, 19—707, 709 to 711

property loss or damage, 20—420, 423

punitive damages, 20—432

res ipsa loquitur, 20—431

swimming pool accidents, 20—425, 427 to 430

insurer's liability, negligent safety inspection, 20—284

power failure as cause of accident, 19—707

HUSBAND AND WIFE

See also DAMAGES, PERSONAL INJURY, consortium loss

articles

"Review of 1968 Tort Trends," 18—1

fraudulent inducement to marriage, 18—12

tort liability between spouses

annotated cases, 19—718

automobile accident claims, 19—717

immunity abrogated, 19—716

tort before marriage, 19—716

INDEX OF SUBJECTS

(References are to volume and page numbers)

HYPOTHETICAL QUESTIONS

See **EXPERT EVIDENCE**; **MEDICAL EVIDENCE**, basis for opinion
annotations, 20—258 to 263

I

ICE OR SNOW ACCIDENTS

annotations, 18—97 to 101
sidewalks, 18—42, 93, 94, 95, 97 to 101

IMMUNITY

See **CHILDREN**; **CHARITABLE IMMUNITY**; **GOVERNMENT-AL IMMUNITY**; **HUSBAND AND WIFE**

IMPEACHMENT OF EXPERT WITNESS

noise pollution cases, 20—590, 591

IMPEACHMENT OF LAY WITNESS

prior mental incapacity shown, 20—263
statements used, 18—189; 20—169

IMPEACHMENT OF PLAINTIFF

See also **MOTION PICTURES**

accident facts

amnesic plaintiff, restoration of memory, 19—321
attorney's statement used, 20—634
demonstrative evidence and experiments used, 20—396
statements used, 20—169
testimony at prior trial, 19—321
testimony improbable, 19—47

affluence of plaintiff, 18—781

amnesia issues

memory restored, 19—321

conviction of crime

criticism of admissibility, 20—671
felony, 20—575, 671

disabilities claimed

activities after accident, 18—253, 390, 778; 19—721; 20—322, 674
collateral source payments, 18—644; 19—117
complaints not made at time of accident, 18—647, 778; 19—131, 136, 721, 725
earnings disputed, 18—643
exaggerations or malingering revealed, 18—624, 645, 658, 665; 19—120, 138, 501, 592, 721, 722, 724
medical history to physician used, 18—780; 20—669
previous or subsequent accidents shown, 18—645, 649, 658, 659, 665, 667, 669; 19—140, 498, 721, 722, 724, 727; 20—575, 669, 674

(References are to volume and page numbers)

IMPEACHMENT OF PLAINTIFF (continued)

disabilities claimed (continued)

previous or subsequent diseases or disabilities shown, 18—250,
664, 665, 668; 19—135

litigation proneness shown, 20—60 to 68

settlement evidence, 19—728

statements, depositions or records used, 20—169

INCOME TAXES

damage issues

annotations, 19—433 to 440

award, taxation of, 19—433, 434, 439, 635

earnings, death actions, 19—431, 434, 437, 438, 439

earnings, personal injury actions, 19—425, 433, 434, 435, 436,
693

discovery, 19—425 to 430, 431, 433

workmen's compensation, 19—676

INDEMNITY ACTIONS

medical malpractice, 18—397, 404

INJURY WITHOUT TRAUMA

See **MENTAL PAIN**, psychic injury without trauma

INSTRUCTIONS

See also **AUTOMOBILE ACCIDENTS**

"Allen charge," encouragement to reach verdict, 18—599 to 612

annotations, 18—80 to 83, 161 to 163, 421 to 425, 601 to 612

burden of proof, 20—165

comparative negligence, 18—561, 562, 586, 587, 593, 597

contributory negligence, 18—77, 79, 80 to 83; 20—112, 546

damage issues

aggravation if disease or disability, 19—140

liability directed, 19—499

punitive damages, 19—499; 20—324

verdict forms, 19—499

emergency situation, 20—647

form and language

particularized facts, 19—702; 20—635

medical malpractice, 18—733

property possessor's liability

children, 19—702

proximate cause, 18—77 to 83

rescue doctrine, 20—635

seat-belt cases, 20—546, 549, 551

unavoidable accident, 18—193

INDEX OF SUBJECTS

(References are to volume and page numbers)

INSURANCE

See ACCIDENT AND HEALTH INSURANCE; AUTOMOBILE INSURANCE; CASUALTY INSURANCE; HOMEOWNERS INSURANCE; LIABILITY INSURANCE; LIFE INSURANCE

insurance broker's liability, 20—48

INTERROGATORIES TO JURY

answers accompanying general verdict

contributory negligence, 20—324

damage issues, 19—505

directed verdict predicate, 19—47

identification of motorist, 19—47

knowledge of intoxication, dramshop case, 20—276

purposes and procedural problems, 19—505

willful and wanton misconduct, 20—324

comparative negligence jurisdictions, 18—558, 563 to 566, 587

dramshop liability cases, 20—276

INTERROGATORIES TO PARTIES

annotations, 18—718 to 726

medical history of claimant, 20—332

updating of answers

admissibility of evidence not disclosed, 18—716, 723 to 726

"continuing duty" rule, 18—718 to 721

discretion of trial court, 18—723, 724

eyewitness subsequently discovered, 18—716 to 718

factors affecting, 18—725, 726

sanctions for failure, 18—718, 724, 725

surprise as factor, 18—718, 724, 725

workmen's compensation, 19—648

INTOXICATION EVIDENCE

See also AUTOMOBILE ACCIDENTS; AUTOMOBILE GUEST CASES; DRAMSHOP LIABILITY

annotations, 19—681 to 685

blood tests

decedent's blood, 20—394

expert opinion evidence, 20—394

circumstantial evidence

behavior, 18—64; 19—681 to 684

drinking alcoholic beverages, 18—64; 19—681 to 684

comparative negligence jurisdictions, 18—583

life insurance cases, 20—394

physiological effects of alcohol

amnesic effect, 19—685

INVITEE'S RIGHTS AND DUTIES

See PROPERTY POSSESSOR'S LIABILITY

(References are to volume and page numbers)

J

JOINDER OR SEVERANCE OF ACTIONS

- annotations, 18—580 to 582
- aviation carrier and liability insurer, 20—563
- comparative negligence jurisdictions, 18—580 to 582
- conditional agreement, plaintiff and co-defendant, 20—545
- municipal agency and construction contractor, 20—447
- tort-feasor and treating physician, 18—404

JOINT VENTURE

See also **AUTOMOBILE GUEST CASES**

- annotations, 18—494
- aviation accidents, private planes, 20—367

JONES ACT CASES

See **ADMIRALTY**

JUDICIAL KNOWLEDGE

- automobile driver's reaction time, 18—286 to 288
- automobile rear-end accident, physical consequences, 18—275
- automobile stopping-distance charts, 18—286 to 288
- heavy traffic, particular highways, 20—662
- pedestrian's walking speed, 18—279, 288

JURISDICTION, ATTACHMENT OF CONTRACTUAL OBLIGATION

articles

- "Review of 1968 Tort Trends," 18—1
- "Review of 1969 Tort Trends," 19—1
- liability insurance, 18—15 to 17; 19—19

JURY TRIAL

See also **INTERROGATORIES TO JURY; MISCONDUCT OF JURORS; VIEW BY JURY**

- annotations, 18—378, 379, 601 to 612
- coercion of jurors to return verdict
 - "Allen charge," 18—599 to 612
 - appellate record, prejudice shown, 18—601 to 603
 - convictions and conscience emphasized, 18—605, 611
 - deference to other jurors' opinions, 18—603
 - disagreement, refusal to discharge, 18—607
 - disparagement of jurors, 18—604
 - expenses and burden of retrial emphasized, 18—599 to 612
 - inquiry as to standing, 18—599 to 604
 - minority acquiescence urged, 18—606
 - time to agree imposed, 18—599, 608
 - verdict shortly after instruction, 18—599, 609
- comparative negligence jurisdictions, 18—578, 587, 591, 595 to 597

INDEX OF SUBJECTS

(References are to volume and page numbers)

JURY TRIAL (continued)

- jurors' approach to factual questions
 - credibility factors, 18—624; 19—47, 582, 592
 - deposition testimony by party, 18—624
 - fair-mindedness recognized, 18—191
- objections to evidence before jury, 18—49, 50
- offer to prove before jury, 18—50, 51
- physician-patient privilege, claiming before jury, 18—46 to 48
- poll of jury, 20—527, 646
- prayer in jury room, 18—191
- right to jury trial
 - excess judgment cases, 18—378, 379
- selection of jurors
 - wage earners as jurors, 18—191

K

KNEE INJURY

- big awards
 - Puerto Rico, 20—452
- excessive awards
 - Hawaii, 19—121
 - Maryland, 19—123
- medical evidence, 18—651; 19—124
- small awards adequate
 - Minnesota, 19—135
 - Pennsylvania, 19—136
- small awards inadequate
 - Florida, 18—651

L

LADDER ACCIDENTS

- models as evidence, 18—31
- photographic evidence, 18—183
- products liability cases, 20—35

LAST CLEAR CHANCE

See also AUTOMOBILE ACCIDENTS

- comparative negligence jurisdictions, 18—549, 583, 594
- proximate cause, 18—629

LAWNMOWER ACCIDENTS

- injury to bystander, liability of owner and operator, 20—172
- manufacturer's design liability, 19—162

(References are to volume and page numbers)

LEGAL MALPRACTICE

articles

- "Review of 1969 Tort Trends," 19—1
- failure to notify client of withdrawal, 20—483
- liability insurance, representation of insurer and insured, 19—17, 518, 519, 538, 539, 540
- settlement of claim, 19—17, 518, 519, 539, 540

LEG INJURY

big awards

Florida, 20—199

excessive awards

Connecticut, 20—454

Utah, 20—456

medical evidence, 18—651; 19—496; 20—200, 454

small awards inadequate

Florida, 18—651

West Virginia, 20—324

LIABILITY INSURANCE

See also AUTOMOBILE INSURANCE; CHARITABLE IMMUNITY; GOVERNMENTAL IMMUNITY; PROFESSIONAL LIABILITY

advertising by insurers, 19—132

articles

"Conflicts of Interest in Defending Insurance Cases," 19—515

"Excess Judgments: Appeal Bond Problems," 20—601

"Excess Judgments—Defense Counsel's Liability," 18—259

"Insured versus Insurer versus Uninsured Motorist," 20—1

"Review of 1968 Tort Trends," 18—1

"Review of 1969 Tort Trends," 19—1

"Review of 1970 Tort Trends," 20—29

"The Creation of Insurance Coverage by Estoppel," 20—461

cancellation by insurer

contract breach, 18—20

statutory regulation, 18—20

charitable immunity, waiver, 19—594, 596, 600

defense of insured, duty of insurer

annotations, 18—368, 369

conflict of interests, 19—13 to 19, 515 to 544

counsel employed by insurer, 19—17 to 19, 515 to 544

direct action against insurer, 19—174

notice by insured, 18—614, 618

uninsured motorist coverage, 18—123; 19—515, 535, 536, 544

withdrawal from defense, 18—368, 369; 19—524

direct action against insurer

annotations, 19—194 to 204

aviation insurance, 20—563

INDEX OF SUBJECTS

(References are to volume and page numbers)

LIABILITY INSURANCE (continued)

direct action against insurer (continued)

- lack of privity defense, 20—285, 288, 293
- negligent safety inspections, 20—284 to 293

discovery of policy terms

- annotations, 19—176 to 185
- concealment as bad faith, 18—374, 375
- credibility of witnesses, rationale, 19—174
- duty of insurer to defend, proceedings, 19—174
- federal courts, 19—181, 183; 20—32
- jurisdiction determination, 19—174
- perpetuation of testimony, procedure, 19—173
- settlement encouragement, rationale, 19—177, 184; 20—32
- state courts, 19—177, 179
- uninsured motorist coverage, 18—123

excess judgment liability

- adversary parties, same insurer, 18—268; 19—532, 533
- annotations, 18—346 to 381
- appeal by insurer of tort claim, 18—372, 373
- article, "Excess Judgments: Appeal Bond Problems," 20—601
- article, "Excess Judgments—Defense Counsel's Liability," 18—259
- attorney fees, 18—346, 375
- bad faith predicate, 18—19, 20, 338, 344, 353 to 361; 19—14, 521 to 525, 539, 542
- conflict of interest, insured and insurer, 18—259, 264, 267, 338, 339, 342, 354 to 372; 19—17, 515 to 544
- counsel employed by insurer, 19—515 to 544
- counsel's advice as factor, 18—341, 361 to 372
- counsel's liability, 18—20, 259 to 268, 349, 350; 19—17, 515 to 544
- declaratory judgments use, 20—603
- excess judgment possibility, 19—515, 521 to 525, 539, 542
- expert evidence, 18—345, 380, 381
- falsification or fraud of insured, 19—525 to 528
- injured claimant's rights, 18—64, 259 to 268, 338, 342, 351 to 353
- insured kept informed, 18—339, 340, 342, 354, 361 to 372, 380
- interest on excess, 18—375 to 377
- judgment prepayment as prerequisite to action, 18—19, 377, 378
- jury trial rights, 18—378, 379
- limited representation, 19—539
- mental pain damages, 18—10
- misjudgment as determined by hindsight, 18—341, 342
- negligence predicate, 18—19, 338, 353 to 361; 19—515, 521 to 525, 539, 542
- policy limits concealed, 18—374, 375
- separate counsel for settlement, 18—264, 349, 350; 19—539
- settlement efforts as factor, 18—339, 361 to 388; 19—13
- settlement negotiations, 19—529 to 532, 539, 542
- strict liability doctrine, 18—346 to 351, 373, 374
- tort claimant as plaintiff, 18—64, 259 to 268, 338, 342, 351, 353

(References are to volume and page numbers)

LIABILITY INSURANCE (continued)

excess judgment liability (continued)

trends to liability, 18—259, 346 to 351, 373, 374; 19—13, 515 to 544

verdict probability as factor, 18—337, 340, 342, 344, 354 to 372

withdrawal from defense, 18—368, 369; 19—524

excess or overlapping insurance

uninsured motorist coverage, 18—145 to 149

exclusion of coverage, 18—612 to 620

governmental immunity, waiver, 19—606

jurisdiction of insurer

attachment, 18—15 to 17

jury informed

annotations, 18—430 to 436

argument of counsel, 18—430 to 436

joining insurer, 20—563

prejudicial effect not assumed, 20—563, 564

voir dire examination, 20—175

notice to insured

nonwaiver agreement, 18—614, 618

settlement by liability insurer

conflicts of interest, insurer and insured, 19—529 to 532, 539, 542

discovery of policy coverage, 19—177, 184

jury informed, 20—563

malpractice cases, 20—86

stay of proceedings pending appeal, 20—602, 603, 605

LIABILITY WITHOUT FAULT

See STRICT LIABILITY IN TORT

LIBEL

See DEFAMATION

LICENSEE'S RIGHTS AND DUTIES

See PROPERTY POSSESSOR'S LIABILITY

LIFE INSURANCE

accidental death

automobile cases, 20—394

burden of proof, 19—326

disease or accident as cause, 19—325

intoxication of insured, 20—395

medical evidence, 19—325

annotations, 18—212 to 222

application, delay in acceptance

"binding receipt" cases, 18—218 to 221

contract liability, 18—216 to 218

negligence liability, 18—210, 212 to 216, 222

INDEX OF SUBJECTS

(References are to volume and page numbers)

LIFE INSURANCE (continued)

death certificate as evidence, 19—325

misrepresentation in application

 annotations, 19—713 to 716

 estoppel and waiver, 19—711, 713 to 716

 health and medical history, 19—711, 713 to 716; 20—280

 insurer's duty to investigate, 19—711, 713 to 716

 medical evidence, 19—711, 713 to 716; 20—279

suicide cases, 20—90

LIMITATION OF ACTIONS

accrual of cause

 fire insurance, 19—362

 medical malpractice, 18—736; 19—8 to 10, 463, 465, 467, 469, 471, 473 to 485

 products liability, 19—333 to 350, 642

annotations, 19—339 to 350, 353 to 368, 473 to 485

fire or wind insurance cases

 accrual, tolling, 19—362

 annotations, 19—353 to 368

 deceit action, 19—359

 endorsement or rider provisions, 19—359

 mortgagee's action for proceeds, 19—359

 negotiations for payment, 19—352, 359

 policy time limitation, 19—350, 352, 353 to 368

 reformation of policy, 19—359

 service on insurer, 19—360

 subsequent action after dismissal, 19—361

 waiver and estoppel, 19—350, 352, 354, 360 to 368

liability insurance, uninsured motorist coverage, 18—121, 129, 149, 150; 20—18

medical malpractice

 accrual of cause, 18—736; 19—8 to 10, 463, 465, 467, 469, 471, 473 to 485; 20—44, 45

 annotations, 19—473 to 485

products liability, accrual of cause

 annotations, 19—339 to 350

 delivery of goods, 19—345

 discovery of defect, 19—333, 347

 injury occurrence, 19—336, 337, 342, 346

 property action, 19—336, 348, 349

 sale of goods, 19—335, 345

 strict liability cases, 19—337, 339

 tort actions, 19—348

 Uniform Commercial Code, 19—335

 warranty actions, 19—342, 345, 348

LIMITATION OF LIABILITY

parking garage case, 20—639

pre-trial agreements, plaintiff and co-defendant, 20—539, 540, 544

(References are to volume and page numbers)

M

MALICIOUS PROSECUTION

- advice of counsel or prosecutor defense, 20—624 to 628, 630
- annotations, 20—616 to 631
- arson, 19—221
- counterclaims, 20—623, 630
- excessive awards
 - Florida, 20—326
 - Pennsylvania, 20—678
- malice factors, 20—621, 623, 630
- policy questions, 20—622, 625
- prior proceedings
 - administrative proceedings, 20—618, 630
 - attachment of property, 20—616
 - civil actions, 20—627 to 630
 - criminal prosecutions, 20—619, 624 to 626
- punitive damages, 20—617, 622
- res judicata issues, 19—221

MALPRACTICE

See LEGAL MALPRACTICE; MEDICAL MALPRACTICE; PROFESSIONAL LIABILITY

MATHEMATICAL OR SCIENTIFIC CERTAINTY

See AUTOMOBILE ACCIDENTS, physical facts as evidence; CIRCUMSTANTIAL EVIDENCE

MEDICAL EVIDENCE

See also ACCIDENT AND HEALTH INSURANCE; CROSS-EXAMINATION, medical witness; EVIDENCE; MEDICAL MALPRACTICE; PRIVILEGED COMMUNICATIONS; WORKMEN'S COMPENSATION; X-RAYS

- abdominal tear, 19—388
- allergy, 19—49
- amnesia, 18—55
- ankle injury, 18—386
- annotations
 - argument to jury, 18—425 to 427
 - non-medical doctors as witnesses, 20—154 to 163
 - psychological evidence, 18—304 to 309
- argument to jury, sufficiency of objections, 18—416, 425 to 427
- articles
 - "Medical Defense of P.I. Cases," 20—329
- back and spine
 - abnormalities or chronic condition, 18—649, 667; 19—140, 722
 - aggravation of arthritis, 18—659; 19—121, 135
 - diagnostic examination, 19—41 to 43

INDEX OF SUBJECTS

(References are to volume and page numbers)

MEDICAL EVIDENCE (continued)

back and spine (continued)

- fractures, 18—384, 652; 19—117, 123
- herniated disc, 18—250, 647; 19—227, 233, 242, 640, 725
- muscle sprain, 18—245, 645, 659, 666; 19—60, 138, 243, 643, 722, 727
- orthopedic surgeon, exemplar examination, 19—36 to 45, 124
- spondylolisthesis, 19—370

basis for opinion

- books and treatises, 19—686 to 693; 20—335, 344
- EEG reports, 20—666
- examination of plaintiff, 19—644; 20—257, 260, 269, 348, 664
- hypothetical questions, 18—635, 670, 779; 20—255 to 262, 665, 667
- opinions of other experts, 20—666
- photographic evidence, 19—501
- subjective complaints and statements, 18—779; 20—255 to 262, 269

books and treatises, 19—672, 686 to 693; 20—335, 344

brain injury, 18—305, 388; 19—230, 245; 20—310, 663, 665

burns, 19—386

cancer causation, 19—448

carbon monoxide poisoning, 19—223, 634

cardiovascular disease

- accident and health insurance, 19—546, 553 to 558
- aggravation of disease, 18—414
- death resulting, 18—73, 634; 19—325
- FELA case, 18—634
- life insurance, accidental death, 19—325
- traumatic causation, 18—414, 634; 20—269
- workmen's compensation cases, 20—73

certainty of opinion

- conflicting opinions, 18—74; 19—387
- possibility opinion, 18—74, 75, 245, 414; 19—325; 20—530
- reasonable certainty or probability, 20—531

chiroprodists, 20—159

chiropractic evidence, 20—156, 160, 345, 346

death

causation, 19—504

dental evidence, 20—580

disfigurement, 18—385, 655; 19—727

drugs

antibiotics, 19—49 to 53

electromyograms, 20—582

epilepsy, 20—565

esophoria, 20—569

eyes

vision impairment, 18—101, 102, 103, 650; 20—569

foot injury, 18—248; 20—154

gynecologic evidence, 20—669

(References are to volume and page numbers)

MEDICAL EVIDENCE (continued)

- hand or wrist injury, 18—252, 253
- hematoma, 19—241
- hernia, diaphragmatic, 19—43
- hip injury, 18—656; 19—234
- knee injury, 18—651; 19—121
- labyrinthitis, toxic gas inhalation, 20—269
- leg or hip injury, 18—651
- malingerer, 19—592
- medical expenses, 18—384, 643, 644, 645, 650, 655, 657, 664; 20—311
- models, 18—31, 32
- motion pictures, human anatomy, 18—298, 299
- neck injury, 20—565
- nerve injury, 20—582
- neuroses and psychoses, traumatic causation, 18—303; 19—241, 639; 20—310, 341
- non-physician, opinion inadmissible, 20—268, 269
- osteopaths, 20—162, 163, 345, 346
- pain and suffering
 - decedent's pain before death, 18—663
 - personal injury, 18—243, 245, 305; 19—118, 121, 499, 500
- pelvic injury, 19—136
- podiatrists, 20—154 to 156, 159, 160
- psychological evidence, 18—303, 304 to 309; 19—592; 20—341
- qualifications of medical experts, 19—38 to 40; 20—343, 344
- release of liability cases, 19—227, 230, 233, 234, 238 to 246
- silicosis, 20—156
- sternum, 18—244; 20—675
- stipulated evidence, 20—381
- stomach, 20—573
- surgery explained and demonstrated
 - instruments demonstrated, 20—566
 - operation described, 18—384; 20—566
- traumatic epilepsy, 20—664
- value of opinion, treating or examining physician, 20—270
- "whiplash" injuries, 18—245, 653; 19—242, 327, 389; 20—668, 669, 672

MEDICAL EXAMINATION OF CLAIMANT

- choice of physician, 19—328; 20—337
- discovery methods, 20—337, 338, 339

MEDICAL MALPRACTICE

- action for services, counterclaim for malpractice, 18—406, 409, 410
- admissions against interest
 - patients' failure to call other physician, 18—54
- aggravation of personal injury, 18—395 to 397
- anesthesia cases
 - cardiac arrest, 18—637

INDEX OF SUBJECTS

(References are to volume and page numbers)

MEDICAL MALPRACTICE (continued)

anesthesia cases (continued)

- expert evidence, 18—638, 639
- hospital negligence, 18—637
- physician's negligence, 18—637
- resuscitation after cardiac arrest, 18—640
- sodium pentothal as agent, 18—639

annotations

- blood transfusion cases, 18—87 to 92

antibiotic reactions, 19—49

articles

- "Medical Malpractice—Satisfaction by Original Tort-feasor as Defense," 18—395
- "Review of 1969 Tort Trends," 19—1

blood transfusion

- annotations, 18—87 to 92
- blood bank liability, 18—86, 87 to 91
- disease transmission, 18—84, 86, 87 to 92
- drug company liability, 18—92
- governmental liability, 18—92
- hospital liability, 18—84, 86, 90, 91; 20—37
- products liability, 18—87 to 92; 20—37
- Red Cross liability, 18—91, 92
- sale or service, 18—84, 86, 87 to 92
- strict liability doctrine, 20—37

books and treatises as evidence, 19—686, 691

common knowledge evidence

- physician's negligence, 18—734

contributory negligence, defense, 20—46

damages

- excessive awards, 18—390
- punitive, 19—509

defendant doctor as expert for self, 18—638

diagnostic negligence, 18—390; 19—465

expert opinion evidence

- necessity, 18—733
- qualifications of expert, impeachment, 19—299 to 317
- ultimate fact, 18—731
- X-ray interpretation, 18—735

fractures, diagnosis and treatment, 19—299

hospitalization prolonged unnecessarily, 18—390

hospital negligence

- anesthesia cases, 18—637
- blood transfusion, 18—84, 86, 90, 91; 20—37
- discharge or neglect of patient, 20—46
- fall of patient, 20—111
- laboratory tests, 20—45

indemnity and subrogation, 18—397, 404

(References are to volume and page numbers)

MEDICAL MALPRACTICE (continued)

- infections, 18—731
- insanity commitment, 19—509
- instructions, 18—733
- limitation of actions
 - accrual of cause, 18—736; 19—8 to 10, 463, 465, 467, 469, 471, 473 to 485; 20—44, 45
 - annotations, 19—473 to 485
- locality rule, 20—47
- obstetrical cases, 19—686
- penicillin, 19—469
- personal injury plaintiff's treatment, 18—395 to 411
- proximate cause issues, 18—403, 640; 20—46
- release of original tort-feasor, effect of, 18—395 to 411
- res ipsa loquitur, 20—45, 46
- sponge or instrument left in body, 18—734; 19—463, 467, 471, 473, 482
- sterilization operations, 20—557 to 561
- tort-feasor's liability for subsequent medical malpractice, 18—396, 404
- treatment, negligence, 19—469
- unnecessary surgery, 18—637
- warranty action, blood for transfusion, 18—84, 86, 87 to 92; 20—37

MEDICAL RECORDS

See RECORDS AND REPORTS

MENTAL PAIN

See also DAMAGES, DEATH ACTIONS, grief of survivors; NEUROSES AND PSYCHOSES

articles

- "Review of 1968 Tort Trends," 18—1
- "Review of 1969 Tort Trends," 19—1

big awards

- federal courts, 20—309
- Puerto Rico, 20—453

death cases

- emotional shock as cause, 20—73

"mental and moral anguish," 20—453

physical injury from emotional stress, 20—532

psychic injury without trauma

- embarrassment, 20—281
- fright, safety of another, 18—8; 19—10, 11
- fright, safety of self, 18—9; 19—13; 20—39, 40
- judicial trends, 18—8; 19—10 to 13; 20—39, 41, 533
- mortician's liability, 20—511, 516 to 518
- time and distance factors, 20—533
- workmen's compensation barring recovery, 20—281

traumatic causation

- embarrassment, 19—126; 20—281
- remoteness factors, 20—533

INDEX OF SUBJECTS

(References are to volume and page numbers)

MILITARY SERVICE

workmen's compensation claimant, 19—651, 659 to 661, 672

MISCONDUCT OF COUNSEL

See also ARGUMENT TO JURY

evidence, presenting inadmissible evidence, 18—414; 19—641; 20—676

MISCONDUCT OF JURORS

biased or irrelevant opinions in jury room, 18—631

out-of-court evidence, 20—527

verdicts

impeachment by jurors, 18—631; 20—527

prejudice must be shown, 18—631

MODELS

admissibility issues, 18—31, 32

annotations, 18—31, 32

eminent domain cases, 18—31

ladder accidents, 18—31

medical evidence, 18—31, 32

products liability cases, 18—31, 32; 20—398

scaffold accident, 18—32

MORTALITY TABLES

See DAMAGES, DEATH ACTIONS, expectancy of decedent;
DAMAGES, PERSONAL INJURY, expectancy issues

MORTICIANS

See PROFESSIONAL LIABILITY, morticians, embalmers and
funeral directors

MOTION PICTURES

annotations, 18—292 to 302

appellate court use, 18—290, 301, 302

authentication and qualification, 18—290, 299, 300

automobile accidents, 18—293, 294

deposition use, 18—302

discovery, 18—296 to 298, 302

experimental evidence demonstrated, 18—43, 45, 294; 20—398

fall accidents, 18—293

impeachment of plaintiff's disabilities, 18—296 to 298; 19—501, 592

plaintiff's disabilities demonstrated, 18—298

railroad accidents, 18—41

relevancy issues, 20—610

scientific principles demonstrated, 18—295, 296

sound pictures, 18—302

storekeeper's liability cases, 18—293

water-main accident, 18—43

(References are to volume and page numbers)

MOTORBOAT ACCIDENTS

assumption of risk, 20—247, 253
bailor's liability, 20—252
child cases, 20—246, 251
contributory negligence, 20—247, 251, 253
family purpose doctrine, applicability, 20—241, 251
guest statute applicability, 20—241, 251
property possessor's liability, 20—248
res ipsa loquitur, 20—252
vicarious liability, 20—241, 254, 255
waterskier injuries, 20—243, 248 to 253

MOTORCYCLE ACCIDENTS

automobile-motorcycle collisions, 18—62; 20—179, 199, 535
bus-motorcycle collisions, 18—628
child cases, 20—199, 456
contributory negligence, 18—630
experimental evidence, 18—63
last clear chance, 18—629
photographic evidence, 18—63
proximate cause, 18—628
truck-motorcycle collisions, 20—456

MUNICIPAL LIABILITY

See also GOVERNMENTAL IMMUNITY; GOVERNMENTAL LIABILITY

comparative negligence jurisdictions, 18—597
economist testimony, 20—448
independent contractor, control issue, 20—447
police, assaults by, 20—152, 441
public building accident, 20—657
sewer construction accident, 20—447

N

NECK INJURY

See also "WHIPLASH" INJURY

excessive awards
Louisiana, 20—565

NEGATIVE EVIDENCE

excess judgment, insured's inability to bond, 20—605
lack of probable cause, malicious prosecution, 20—623, 624
railroad crossing accidents, 18—73

NEUROSES AND PSYCHOSES

big awards
federal courts, 18—384, 385; 20—309
Maine, 20—315

INDEX OF SUBJECTS

(References are to volume and page numbers)

NEUROSES AND PSYCHOSES (continued)

big awards (continued)

Maryland, 18—386

Texas, 18—388

excessive awards

federal courts, 19—638

New Mexico, 19—126

medical evidence

conversion hysteria, 19—638

defense preparation, 20—341

psychiatrist, 18—385; 20—342

psychologist, 18—303

release, setting aside, 19—241

traumatic causation, 20—310, 316, 342

rat-bite case, 19—638

small awards adequate

Minnesota, 19—135

NEW TRIAL

See also DAMAGES, PERSONAL INJURY

abuse of discretion, granting as, 20—274

surprise

co-defendant's closing argument, 20—542

verdict against weight of evidence

discretion of trial judge, 19—725, 726, 729

federal practice, 20—508

inadmissible medical testimony, 20—530

"NO FAULT" INSURANCE

See AUTOMOBILE INSURANCE, compensation remedies

NOISE POLLUTION

See ECOLOGY

NOSE INJURY

excessive awards

Wisconsin, 18—254

NOTICE

See LIABILITY INSURANCE

NUISANCE CASES

comparative negligence jurisdictions, 18—556, 588; 19—261

pollution

air, 19—252, 258, 261, 507

damages, punitive, 19—507

noise, 19—252, 258; 20—593

(References are to volume and page numbers)

O

OBJECTS DEMONSTRATED

admissibility

actual objects, 18—26 to 29

similar objects, 18—29 to 31

annotations, 18—26 to 31

assault cases

police "sap," 18—30

automobile accident cases

automobile or parts, 18—26 to 31

construction accidents

corn spoiled in silo, 18—30

fall accidents

miscellaneous objects, 18—27 to 29

traffic cone on sidewalk, 18—24

fire insurance cases

articles destroyed, 18—30

products liability

beverage, 18—29

hydraulic lift, 20—398

sidewalk accidents

warning device, 18—24

storekeeper's liability

object on floor, 18—27

OPENING STATEMENT

directed verdict, 18—453

liability of another, 18—197

medical issues, 20—341

products liability cases, 18—197

ORDINANCE VIOLATIONS

annotations, 18—99, 751

explosives, storing, 19—79

leaving parked car with key in switch, 18—751

snow removal, 18—94, 97, 99

P

PAIN AND SUFFERING, DEATH

conscious suffering of decedent

lay evidence, 18—663

medical evidence, 18—663, 666; 19—634

excessive awards

federal courts, 19—634

small awards inadequate

Wisconsin, 18—662

INDEX OF SUBJECTS

(References are to volume and page numbers)

PAIN AND SUFFERING, PERSONAL INJURY

See also **MENTAL PAIN**

argument by plaintiff

mathematical segmentation, 18—385

big awards

federal courts, 18—384, 385; 19—378

New Jersey, 20—450

North Dakota, 19—385

Texas, 18—388

excessive awards

Alabama, 18—243

Arkansas, 18—245

California, 19—117

Colorado, 19—120

Mississippi, 18—250

Wisconsin, 18—254

liability without damages

Oklahoma, 19—498, 500

medical evidence

dental evidence, 20—580, 581

future pain, 18—245, 250, 305; 19—118, 120, 500, 643

past pain, 18—245, 250; 19—499, 500

small awards adequate

Georgia, 18—643; 20—570

Michigan, 18—644

small awards inadequate

federal courts, 18—650

Kentucky, 20—580

Louisiana, 20—581

Pennsylvania, 18—656

subjective evidence, 19—499

PARALYSIS

big awards

Delaware, 20—662

federal courts, 18—383

Nevada, 20—249

medical evidence, 18—384; 20—663

paraplegia cases

Delaware, 20—662

water-skiing accident, 20—249

PARAPLEGIA

See **PARALYSIS**

PELVIS INJURY

small awards adequate

Pennsylvania, 19—136

(References are to volume and page numbers)

PHARMACISTS

See PROFESSIONAL LIABILITY, pharmacists

PHOTOGRAPHIC EVIDENCE

See also AUTOMOBILE ACCIDENTS

- admissibility discretionary, 18—243, 450
- aerial photographs, 18—67, 182
- annotations, 18—177 to 187
- appellate use, 18—67
- argument to jury, 18—450
- authentication and qualification
 - changed conditions, 18—177 to 183, 730
 - fair representation, 18—177 to 183, 187
- automobile guest cases, 18—466
- building damaged by automobile, 19—252
- color pictures
 - accident facts, 18—177, 730
 - injuries and disabilities, 18—183 to 186, 249
 - slides, 18—243
- death actions
 - decedent after death, 18—186, 243
 - decedent before death, 18—187
 - decedent's body at accident scene, 18—186
- enlargements, 18—67, 182, 185, 201
- experimental evidence demonstrated, 18—44, 45, 63; 19—55
- explosion accidents, 18—67
- fall accidents, 18—177 to 179, 183
- injuries and disabilities demonstrated
 - before injury, 18—183 to 186, 249
 - hospital pictures, 19—387
- ladder accidents, 18—183
- newspaper pictures, 18—187
- optical illusion demonstrated, 19—461
- panoramic pictures, 18—68
- pipeline explosion, 18—67
- pollution by air, 19—254
- prejudicial photographs
 - injuries and disabilities, 18—243
- products liability cases, 19—55, 456
- property damage cases, 18—182
- railroad crossing accidents, 18—41, 72, 182, 183, 201; 19—59, 331
- sidewalk accidents, 18—178; 19—64
- store accidents, 18—177, 178, 179
- theater accidents, 19—461

PHYSICIAN AND PATIENT

See PRIVILEGED COMMUNICATIONS

INDEX OF SUBJECTS

(References are to volume and page numbers)

PIPELINE ACCIDENTS

See EXPLOSIONS, gas explosions

PLEADING

comparative negligence jurisdictions, 18—553, 586
declaratory judgment cases, 20—604 to 607
emotional trauma cases, 20—532
liability determined from allegations, 19—322
variance in proof, 19—47

POLICE

assault by officer, 20—152, 441
duty to facilitate litigation, 20—179, 182
injury to police officer
 status on premises, 20—534, 658

POLLUTION

See ECOLOGY; DAMAGES, PROPERTY, environmental trespass

PRENATAL DEATH

death action by parent, 19—12
mental pain, 19—12
stillborn child, 19—12

PRENATAL INJURY

child's injury, 19—12
mother's injury, 19—12
warning by doctor, defective child possibility, 20—559

PREPARATION FOR TRIAL

See also AUTOMOBILE ACCIDENTS; DISCOVERY; INTERROGATORIES TO PARTIES; MEDICAL EXAMINATION OF CLAIMANT; WORKMEN'S COMPENSATION

articles

"Defending a Noise Pollution Case," 20—587
"Medical Defense of P.I. Cases," 20—329
"Sources of Background Information on Compensation Claimants," 19—647

medical evidence, 20—329 to 341
noise pollution cases, 20—588, 589, 590
statements, how to take, 18—189

PRESUMPTIONS

amnesic party, reasonable care, 19—329
Automobile Guest Act, passenger as guest, 19—698
child's capacity for reasonable care, 19—585
contributory negligence of decedent assumed, 19—585
damages for death of child, 18—777
decedent's reasonable care, 19—585

(References are to volume and page numbers)

PRETRIAL

issues narrowed

accident facts, 19—329

prejudice at trial avoided

evidence, admissibility determined, 19—431

income tax evidence, 19—431

PRINCIPAL AND AGENT

See MASTER AND SERVANT; RESPONDEAT SUPERIOR

insurance broker's liability, 20—48

PRISONER'S LITIGATION RIGHTS

annotations, 19—32 to 36

federal cases, 19—33, 34

paroled or commuted prisoners, 19—36

personal-injury actions, 19—31 to 36

PRIVACY

deceased persons, 20—48

insurance investigations, 20—82 to 85, 88, 90, 91 to 93

private person's privacy, 18—704; 20—47

public person's privacy, 18—705

PRIVILEGED COMMUNICATIONS

attorney-client privilege

annotations, 19—493

implied authority to disclose, 20—635

liability insurance, uninsured motorist coverage, 18—123

medical reports, 19—493

waiver of right, 20—635

physician-patient privilege

annotations, 18—47 to 49; 19—489 to 494

objections before jury, 18—46, 48

waiver of right, 18—47, 52; 19—485, 487, 489 to 494; 20—669

psychiatrist-patient privilege

waiver of right, 20—668

PRODUCTS LIABILITY

See also DRUGGIST'S LIABILITY; EXPERIMENTAL EVIDENCE; LIMITATION OF ACTIONS; OBJECTS DEMONSTRATED; PHOTOGRAPHIC EVIDENCE

aerosol can explosions, 20—296

annotations

appliances and hardware, 18—231, 232

automobile accidents, 18—232

blood for transfusions, 18—87 to 92

control by vendor, necessity, 20—294 to 298

cosmetics, 18—234, 235

drugs and vaccines, 18—232 to 234

INDEX OF SUBJECTS

(References are to volume and page numbers)

PRODUCTS LIABILITY (continued)

annotations (continued)

- experimental evidence, 18—41, 42
- expert evidence, 18—235 to 238
- intervening negligence as proximate cause, 20—186 to 190
- machinery, 18—230, 231
- warning by manufacturer, 18—225 to 238

articles

- "Manufacturer's Design Liability: The Expanding Frontiers of the Law," 19—143
- "Review of 1968 Tort Trends," 18—1
- "Review of 1969 Tort Trends," 19—1
- "Review of 1970 Tort Trends," 20—29

assumption of risk defense, 19—156, 214, 453

automatic door, 20—37

automobile products

- brakes, 18—42, 232; 19—218
- design defects, 18—3, 232; 19—6, 157 to 171, 214
- pollution of air, 19—3
- snowmobile case, 19—214
- steering gear, 18—3; 19—157; 20—35, 36
- warning, obligation of manufacturer, 18—232; 19—170

beverage products

- contaminated, 18—29
- exploding or broken bottle cases, 18—68; 20—294

blood for transfusions

- contaminated blood, 18—84, 86, 87 to 92
- sale or service, 18—84, 86, 87 to 92; 20—37

changed condition defense, 18—198

charts and diagrams

- machine construction illustrated, 19—456

cigarette-cancer liability

- reasonable fitness defense, 19—448

cleansers

- drain solvent, 20—184
- exploding can, 20—103
- proximate cause, 20—185
- punitive damages, 20—103
- warning by manufacturer, 20—36

comparative negligence jurisdictions, 18—588

contributory negligence

- negligence actions, 19—453
- strict liability actions, 18—198; 19—156, 167, 214

cosmetics

- allergic reaction, 18—234, 235
- deodorants, 18—234
- hair preparations, 18—235
- makeup preparations, 18—235
- strict liability, 18—2
- warning by manufacturer, 18—234, 235; 19—7

(References are to volume and page numbers)

PRODUCTS LIABILITY (continued)

damages, punitive, 19—502, 505

defective condition defense, 18—3, 68

design liability

automobile products, 18—3, 232; 19—6, 157 to 171, 214; 20—35, 36

escalator accidents, 18—413

household appliances and equipment, 18—70; 20—35

industrial machinery, 19—453; 20—35, 396

seat belts, 20—39

directed verdict or judgment for defense, 18—68, 222

drugs and vaccines

allergic reaction, 19—49

antibiotics, 19—49

Food and Drug Administration approval, 19—52

foreseeability factor, 19—52

medical evidence, 19—49

prescription drugs, 18—232 to 234; 19—49, 502, 505

reasonable fitness for use defense, 19—51

strict liability, 18—232 to 234

vaccine cases, 18—41

warning, obligation of manufacturer, 18—232 to 234; 19—4, 6, 49

escalator accidents

design liability, 18—413

experimental evidence, 18—41, 42, 69; 20—398

expert evidence

automobile products, 19—158, 216, 218

baking dish explosion, 19—458

cigarette-cancer, 19—448

hydraulic lift design, 20—396

pipeline construction, 18—223

stepladder construction, 19—53

warning, sufficiency, 18—235 to 238

explosives, 18—4

farm machinery

potato harvester, 18—231

tractor, 20—35

flammable products

toilet seat, 18—42

Hazardous Substances Labeling Act, 20—184

hospital bed, 18—3

house construction, 18—5; 19—7

household appliances and equipment

baking dish, 19—456

hammer, 19—17

lawn mower, 19—162

stepladder, 19—53

vaporizer, 18—231

warning, obligation of manufacturer, 18—231, 232; 19—170

INDEX OF SUBJECTS

(References are to volume and page numbers)

PRODUCTS LIABILITY (continued)

improper use defense, 19—53, 156, 167; 20—396

industrial machinery and equipment

bakery machinery, 19—453; 20—35

bulldozer or earth-mover, 20—35

hydraulic lift, 20—398

pipeline for gas, 18—222

press accidents, 18—230

punch press, 20—35

slitting machine, 18—196

warning, obligation of manufacturer, 18—230, 231

models

hydraulic lift, 20—398

industrial press, 18—31

photographic evidence, 19—55, 456; 20—398

privity defense, 18—2; 19—145, 147 to 149; 20—37

proximate cause, 19—157, 164 to 166; 20—184 to 190, 294 to 298

reasonable fitness and safety defense, 19—51, 162 to 169

res ipsa loquitur, 19—218, 458

Restatement of Laws rule, 19—144, 146, 154; 20—294, 295, 297

safety standard code evidence

stepladder construction, 19—55

strict liability in tort

automobile products, 19—151 to 171, 214, 218

cosmetics, 18—2

defective condition defense, 19—456; 20—294, 296

design liability, 19—144, 146, 151 to 171, 214; 20—35

drugs and vaccines, 18—2, 232 to 234

household appliances and equipment, 19—7

industrial machinery, 18—196; 19—151, 337; 20—35

policy factors, 19—2, 8

Restatement of Laws rule, 19—146, 154; 20—294, 295, 297

third person (non-user), rights of, 19—157 to 162

user, liability to, 19—453; 20—103

warning, obligation of manufacturer, 18—4, 222, 225 to 238; 19—4, 6, 49;
20—103

warranty action, 18—3, 68; 19—7, 53, 145, 147, 149

PROFESSIONAL LIABILITY

See also LEGAL MALPRACTICE; MEDICAL MALPRACTICE

architects

insurer's right to settle malpractice claim, 20—86

noise abatement, 20—593

morticians, embalmers and funeral directors

annotations, 20—512 to 518

contract actions, 20—513, 515, 518

mental pain, 20—511, 516 to 518

parties entitled to sue, 20—514 to 517

(References are to volume and page numbers)

PROFESSIONAL LIABILITY (continued)

- morticians, embalmers and funeral directors (continued)
 - statutory provisions, effect, 20—511, 517
 - wanton and reckless misconduct, 20—511, 513, 517
- pharmacists
 - incorrect filling of prescriptions, 20—552, 555
 - oral contraceptives, dispensing, 20—553

PROPERTY POSSESSOR'S LIABILITY

See also CHILDREN, property possessor's liability; SIDEWALK ACCIDENTS; SOCIAL GUEST CASES; STOREKEEPER'S LIABILITY; THEATER ACCIDENTS, and similar topics

- argument by defense
 - contributory negligence, 20—71
- invitee's rights and duties
 - annotations, 20—656 to 660
 - definitions and distinctions, 18—195; 19—80, 121; 20—654, 658, 659
 - duty of invitee, 18—191, 194; 19—62
 - duty of invitor, 18—195; 19—62; 20—657, 658
 - economic benefit test, 20—654, 659
- licensee's rights and duties
 - annotations, 20—656 to 660
 - definitions and distinctions, 19—80; 20—170, 534, 657, 658, 659, 660
 - duty of licensor, 19—80
- merchandising party guests, 20—653
- policemen on premises, status issue, 20—534, 658
- "reasonable care under the circumstances," 20—656, 657
- trespasser's rights and duties
 - trespassing children, 20—70
- warning by builder, 18—5

PROXIMATE CAUSE

See also AUTOMOBILE ACCIDENTS, and other subject headings throughout index

- annotations, 18—77 to 83
- comparative negligence jurisdictions, 18—547, 586
- concurrent negligence, 19—581
- definitions, 18—82
- products liability cases, 19—157, 164 to 166
- sole proximate cause defense, 18—61

PSYCHOLOGICAL EVIDENCE

See also MEDICAL EVIDENCE

- civil cases, 18—305; 19—592
- criminal cases, 18—306 to 308
- malingering, 19—592
- pain and suffering, 18—303
- qualifications as expert witness, 18—303, 308

INDEX OF SUBJECTS

(References are to volume and page numbers)

PUBLIC BUILDING ACCIDENTS

See also GLASS DOOR OR WINDOW ACCIDENTS; HOTEL AND MOTEL CASES; STOREKEEPER'S LIABILITY, and the like

fall accidents

public restroom, 20—657

Q

QUADRIPLÉGIA

See PARALYSIS

R

RAILROAD ACCIDENTS

See also FEDERAL EMPLOYERS' LIABILITY ACT

attractive nuisance case, 18—445

crossing accidents

contributory negligence, 18—72; 19—57, 329

directed verdict or judgment for defense, 18—71, 199; 19—57

experimental evidence, 18—40, 43

hazardous condition, 18—199

mathematical calculations, 19—59

motion picture evidence, 18—41

negative evidence, 18—73

photographic evidence, 18—41, 72, 182, 183, 201; 19—59

physical facts, 18—71; 19—59

proximate cause issues, 19—57

res gestae evidence, 20—151, 152

rural grade crossing, 18—71

signals by railroad issues, 19—57

willful or wanton misconduct, 19—330

right-of-way or yard accidents

child playing on standing tank car, 18—445

switching, private yard, 19—502

RECORDS AND REPORTS

See also HOSPITAL RECORDS; WEATHER EVIDENCE

accident reports

automobile, 19—674

army, 19—651, 659 to 661, 672, 725

autopsy reports, 19—667

birth records, 19—656

death certificates, 19—325, 656, 677

employment records, 19—649, 651, 657, 664, 669

marriage records, 19—656

(References are to volume and page numbers)

RECORDS AND REPORTS (continued)

medical records of physician, 19—653, 672 to 674; 20—330, 336, 337, 665, 672
school, 19—657
social security, 19—657 to 659, 674
Veterans Administration, 19—659 to 661, 676
vocational rehabilitation, 19—677
welfare, 19—657
workmen's compensation, 19—647 to 677

RECREATION, RESTAURANT AND TAVERN CASES

See also BOWLING ALLEY CASES; DRAMSHOP LIABILITY;
MOTORBOAT ACCIDENTS; SKATING ACCIDENTS

assault, 20—612, 615, 616

RELEASE OF LIABILITY

covenant not to sue

annotations, 20—543 to 545
conditional covenants, 20—539, 540, 544
ethical questions, 20—540, 542, 543
secrecy condemned, 20—542, 544

medical malpractice cases

release of original tort-feasor, effect of, 18—395 to 411

setting release aside

annotations, 19—238 to 246
attorney's advice to claimant, 19—237
burden of proof, 19—229, 236
FELA cases, 19—246
infant's release, 19—245
language of release as factor, 19—229, 230, 236, 239
liability uncertainty as factor, 19—240
medical opinion as factor, 19—60, 230, 234, 241 to 245
mistake as to injuries, 19—60, 222, 227, 230, 233, 234, 238, 239, 241, 244, 245; 20—400
time lapse as factor, 19—227, 238

RESCUE DOCTRINE

inapplicability, "rescuer" causing situation, 20—636

RES GESTAE EVIDENCE

annotations, 20—146 to 154
assault and battery cases, 20—152
automobile accidents, 19—679; 20—147 to 151
carrier accidents, 20—151
eyewitness statements, 19—679; 20—147 to 151
intoxication of automobile driver, 19—679; 20—150
personal injury and death cases, 20—152
railroad crossing accidents, 20—151

INDEX OF SUBJECTS

(References are to volume and page numbers)

RES GESTAE EVIDENCE (continued)

spontaneity factor, 19—680; 20—145
work-related accidents, 20—144, 147

RES IPSA LOQUITUR

burden of proof, 20—648
comparative negligence jurisdictions, 18—554
hotel and motel cases, 20—431
motorboat accidents, 20—252
negligence of defendant, probability, 19—102
products liability cases, 19—218, 458
property possessor's liability, 19—79
specific negligence presented, 20—403, 648
storekeeper's liability, 19—102

RES JUDICATA, ESTOPPEL BY JUDGMENT

issues that are related, 19—221
medical malpractice, judgment against tort-feasor, 18—395 to 411
privity of parties, 19—221
virtual representation factor, 19—221

RESPONDEAT SUPERIOR

See also MASTER AND SERVANT; PRINCIPAL AND AGENT

annotations, 20—191 to 197, 436 to 445

assault by servant

deviation or personal motives of servant, 20—175, 433, 445
"furtherance of employment" test, 20—175, 436, 439
hotel and motel cases, 20—424
implied authority to use force, 20—436, 441
propensity to violence, 20—411
punitive damages, 20—435, 438, 440
ratification, 20—435, 438, 440

automobile accidents

"benefit to employer" test, 20—193, 195 to 197
compensating employee for travel expense, 20—191 to 193
deviation or personal motives of servant, 20—568
"going and coming" rule, 20—191

aviation accidents, 20—362, 367

bailment cases, 20—638

common-carrier cases, 20—180, 181, 182

gratuitous undertakings, 20—183, 640

municipal liability cases, 20—179, 441

violation of instructions by employee, 20—640

willful or wanton misconduct, 20—678

RIB INJURY

liability without damages

Maryland, 19—721

(References are to volume and page numbers)

S

SCAFFOLD ACCIDENTS

house construction, social invitee, 18—191
models as evidence, 18—32

SEAT-BELT CASES

automobile accidents
 contributory negligence instruction, 20—546, 547
 design liability, 20—39
 failure to provide, 20—38
 failure to use, 18—5 to 7; 20—38, 551
aviation accidents, 18—332

SERUM HEPATITIS

See HEPATITIS

SETTLEMENT BY LIABILITY INSURER

See LIABILITY INSURANCE, excess judgment liability

SETTLEMENT EVIDENCE

admissibility of evidence
 impeachment of plaintiff, 19—728
 prejudicial effect, 20—563, 564
 reduction of damages, 20—584

SIDEWALK ACCIDENTS

abutting property owner's liability, 18—93 to 101
annotations, 18—97 to 101
assumption of risk, 19—62
contributory negligence, 18—24
directed verdict or judgment for defense, 18—94, 95, 96
driveway traversing sidewalk, 18—100
experimental evidence, 18—42
ice or snow condition, 18—42, 93, 95, 98 to 101, 451
lessor's liability, 19—62
obstructions on walk, 18—24
photographic evidence, 18—178; 19—64
property possessor's liability, 19—62
uneven pavement condition, 19—62

SKI ACCIDENTS

assumption of risk, 18—291
contributory negligence, 18—291
ski-lift accident, 18—289

SKULL FRACTURE AND BRAIN INJURY

big awards
 federal courts, 20—309
 Texas, 18—338

INDEX OF SUBJECTS

(References are to volume and page numbers)

SKULL FRACTURE AND BRAIN INJURY (continued)

medical evidence

permanency and rehabilitation, 18—388

personality change, 18—388; 20—310

psychological evidence, 18—305

release, setting aside, 19—230, 245

shortening of life expectancy, 20—313

release, setting aside, 19—230, 245

small awards inadequate

federal courts, 18—650

SLANDER

See DEFAMATION

SOCIAL GUEST CASES

See also AUTOMOBILE GUEST CASES; HOMEOWNERS' INSURANCE; PROPERTY POSSESSOR'S LIABILITY

aged or infirm guest, 19—92

annotations, 19—81 to 94

automobile accident, 19—73

child as guest, 19—69, 73, 91

contributory negligence of guest, 19—83

definitions and distinctions, 19—87, 88

directed verdict or judgment for defense, 19—71, 75, 77, 78

grounds and walks accidents, 19—75, 77

gun accidents, 19—79

house accidents, 19—69, 71, 78; 20—653, 659, 660

licensee or invitee issues, 19—69, 72, 74, 76, 77, 79, 80, 81 to 94; 20—653 to 660

merchandising party guest, status issues, 20—653

ordinance violation, 19—79

res ipsa loquitur, 19—79

SOCIAL SECURITY BENEFITS

records, workmen's compensation, 19—657 to 659, 674

SOUND RECORDINGS

admissibility, determination in presence of jury, 18—51, 52

annotations, 18—51, 52

depositions, 18—302

motion pictures, 18—302

witness interviews

statements of witnesses, 18—51, 52

SPECTATOR ACCIDENTS

bowling alley cases, 20—614, 615

collapse of grandstand, 20—293

(References are to volume and page numbers)

STARE DECISIS

articles

“Review of 1969 Tort Trends,” 19—1
conflict of laws cases, 19—705
precedents, overruling, 3—364; 7—257; 9—19; 19—1

STATEMENTS OF WITNESSES

See ADMISSIONS AGAINST INTEREST; DISCOVERY; IMPEACHMENT OF LAY WITNESS; PRIVILEGED COMMUNICATIONS

STATE TORT CLAIMS ACT

governmental immunity abrogated, 19—607 to 631

STERILIZATION

See BIRTH CONTROL

STERNUM INJURY

excessive awards

Alabama, 18—243

small awards inadequate

Illinois, 20—675

STIPULATIONS

annotations, 20—375 to 384
appeal, effect on, 20—374, 377 to 384
content and form, importance, 20—377, 379
probative value, 20—376, 381
relief from stipulations, 20—378, 381
strategy questions, 20—376, 382, 384
subsequent litigation, effect on, 20—378, 381

STOREKEEPER'S LIABILITY

See also ESCALATOR ACCIDENTS

annotations, 18—178; 19—105 to 115
area not open to customers, 19—114
contributory negligence, 19—99, 100, 104, 107, 108, 113, 114
customary danger or safety, 19—98, 100, 109
directed verdict or judgment for defense, 18—194; 19—96
experimental evidence, 18—42
fall inside store, 18—42, 177, 178; 19—94, 96, 98, 100, 102, 103, 107 to 115; 20—450
fall outside store, 18—194; 19—103, 113, 114
firearm accident, 20—642
grocery cart accidents, 19—95
knowledge of danger defense, 19—94, 96, 98, 100, 104, 105 to 115
motion picture evidence, 18—293
parking lot accidents, 18—179, 293; 19—109
photographic evidence, 18—177 to 199

INDEX OF SUBJECTS

(References are to volume and page numbers)

STOREKEEPER'S LIABILITY (continued)

privilege, defense of life or property, 20—643
rat-bite case, 19—635
res ipsa loquitur, 19—102
slippery floor, 19—103, 113; 20—450

STRICT LIABILITY IN TORT

See also PRODUCTS LIABILITY

automobile accidents, 19—444
aviation accidents, 20—320
blood transfusion, hepatitis, 20—37
comparative negligence jurisdictions, 18—558, 588
dangerous instrumentality use, 20—36
design liability, 20—34, 35, 103
dramshop liability, 20—276
liability insurance
 excess judgment cases, 18—346 to 351, 373, 374
storekeeper's liability, 19—95, 97
trends, 20—34 to 39
vibration damage, 20—36

SUBROGATION

medical malpractice, 18—397, 404
uninsured motorist actions, 20—14, 20, 25 to 27

SUMMARY JUDGMENT

See also AUTOMOBILE ACCIDENTS; FEDERAL RULES OF
CIVIL PROCEDURE, and other relevant topics

admissions, use of, 20—535
depositions, use of, 19—329; 20—654
life insurance application, use of, 20—279
questions of fact precluding, 20—654

SWIMMING OR DIVING ACCIDENTS

hotel and motel cases, 20—425, 427, 428, 430
motorboat cases, 20—250
waterskier injuries, 20—243, 248 to 253

T

TANK CASES

experimental evidence, 18—43
oil tank leakage, 18—43

TAXICAB ACCIDENTS

See CARRIER ACCIDENTS

(References are to volume and page numbers)

TEETH INJURY

dental evidence, 20—580
excessive awards
 Louisiana, 20—319
small awards inadequate
 Kentucky, 20—580

THEATER ACCIDENTS

contributory negligence, 19—459
design negligence, 19—459
lighting negligence, 19—459
photographic evidence, 19—461

TORT CLAIMS ACT

See **FEDERAL TORT CLAIMS ACT; STATE TORT CLAIMS ACT**

TRESPASSER'S RIGHTS AND DUTIES

See **PROPERTY POSSESSOR'S LIABILITY**

U

ULCER

aggravation by other injuries, 19—392
small awards inadequate
 Pennsylvania, 19—392

UNAVOIDABLE ACCIDENT DEFENSE

fall accidents, 18—192
judicial trends, 18—193

UNDERTAKERS

See **PROFESSIONAL LIABILITY**, morticians, embalmers and funeral directors

UNINSURED MOTORIST ACT

See **AUTOMOBILE INSURANCE**, uninsured motorist coverage

V

VERDICTS

See also **JURY TRIAL**, coercion of jurors to return verdict; **MIS-CONDUCT OF JURORS**
consistency of verdicts, 19—496
forms
 damages only issue, 19—499

INDEX OF SUBJECTS

(References are to volume and page numbers)

VERTEBRAL FRACTURES AND HERNIATION

big awards

- federal courts, 18—383; 20—203
- Louisiana, 20—565
- New Jersey, 20—450

excessive awards

- California, 19—117
- Minnesota, 19—640
- Mississippi, 18—249

medical evidence

- myelogram evidence, 20—452
- neurological examination, 18—250
- orthopedic specialist as witness, 18—384; 19—641
- permanency and rehabilitation, 18—250, 383, 653
- surgical exploration or repair, 18—250; 19—641
- X-rays, 18—250, 653

small awards inadequate

- Illinois, 18—652

VIBRATION DAMAGE

airplane overflights, 19—257

expert evidence, 19—257

VIEW BY JURY

- automobile accidents, 19—448
- nursing home, plaintiff's disabilities, 18—377
- simulation of accident, 19—448
- testimony at scene, 19—448

VISION IMPAIRMENT OR LOSS

big awards

- Illinois, 20—103
- Minnesota, 20—317

excessive awards

- North Dakota, 20—568

medical evidence, 18—101, 103, 650; 20—569

small awards inadequate

- federal courts, 18—650

VOIR DIRE EXAMINATION OF JURORS

advertising, jury awards, 19—132

annotations, 19—569 to 572

damage issues, 19—132

jury service in similar cases, 19—572

liability insurance, 19—132; 20—175

litigation history of jurors, 19—567, 569 to 572

medical issues, 20—341

(References are to volume and page numbers)

W

WALSH-HEALEY ACT

permissible noise exposure, 20—593, 595

WAREHOUSEMAN'S LIABILITY

See BAILMENT CASES

WARRANTY ACTION

See MEDICAL MALPRACTICE; PRODUCTS LIABILITY

WATER MAIN ACCIDENTS

experimental evidence, 18—43

motion pictures, 18—43

objects demonstrated, 18—28

WEATHER EVIDENCE

aviation accidents, 18—333

fair weather turbulence, 18—333

"WHIPLASH" INJURY

See also BACK AND SPINE, impeachment of disability, medical evidence

excessive awards

Arkansas, 18—244

Connecticut, 20—104

New York, 20—321

liability without damages

Indiana, 18—778

Nebraska, 18—667

Wisconsin, 18—668

small awards adequate

Illinois, 20—668

Indiana, 20—669

Oklahoma, 19—727

Oregon, 20—574

Texas, 20—672

small awards inadequate

California, 20—576

Colorado, 19—388

Louisiana, 20—581

Maryland, 18—653

South Dakota, 18—657

West Virginia, 18—658

WILLFUL OR WANTON MISCONDUCT

See also AUTOMOBILE GUEST CASES; CHILDREN

assault cases, 20—433 to 445

INDEX OF SUBJECTS

(References are to volume and page numbers)

WILLFUL OR WANTON MISCONDUCT (continued)

automobile accidents, 19—319, 510
comparative negligence jurisdictions, 18—556, 557, 587
contributory negligence defense, 19—319, 330
definitions, 19—321
false imprisonment, 19—509
nuisance cases, 19—507
pollution cases, 19—507
products liability, 19—502, 505; 20—103
railroad accidents, 19—329, 503
respondeat superior liability, 20—433 to 445, 680

WINDSTORM INSURANCE

See **CASUALTY INSURANCE; LIMITATION OF ACTIONS**,
fire and wind insurance

WITNESSES

See **CROSS-EXAMINATION; DISCOVERY; EXPERT EVIDENCE; MEDICAL EVIDENCE**, and other related topics

adverse witness testimony, expert opinion precluded, 20—524

voir dire examination

anticipated evidence, 19—321

WORKMEN'S COMPENSATION

See also **DAMAGES, PERSONAL INJURY**, collateral source evidence

annotations, 18—103 to 107; 19—667 to 677; 20—95 to 101, 298 to 307
articles

“Sources of Background Information on Compensation Claimants,”
19—647

back injury cases, 18—105, 106

burden of proof, 19—223

carbon monoxide poisoning, 19—223

cardiovascular disease, 18—73, 737; 20—73, 74, 100

company-sponsored social activities

“benefit to employer” issues, 20—93 to 95, 96, 97 to 101

control issues, 20—95, 96, 97 to 101

“going and coming” cases, 20—96, 98, 99

consortium loss by wife, 20—650

course of employment issues, 19—64; 20—93 to 101

dependency issues

adopted children, 20—306

illegitimate children, 20—307

in loco parentis persons, 20—298, 301, 304, 305

natural children, adopted by others, 20—305, 306

spouses, putative or abandoned, 20—299, 302, 303, 304

eye injury cases, 18—101, 103

going and coming rule, 20—96, 98, 99

(References are to volume and page numbers)

WORKMEN'S COMPENSATION (continued)

hearing impairment or loss, 20—594, 596, 597

hernia cases, 18—107

lay evidence, causation, 18—107

medical evidence

causation of death, 19—223

certainty of opinion, 18—737

necessity, 18—101, 103 to 107

preparation for trial, 19—650, 653, 654, 655, 664, 669 to 671, 672 to 674

preparation for trial

accident reports, 19—674

annotations, 19—667 to 677

article, "Sources of Background Information on Compensation Claimants," 19—647

autopsy reports, 19—667

aviation records, 19—665

birth records, 19—656

city directory records, 19—665

claimant interviewing, 19—648

courthouse records, 19—654

credit bureau records, 19—652, 654

depositions, 19—648

education records, 19—657

employment history of claimant, 19—649, 651, 657, 664, 669

federal employment records, 19—664

hospital records, 19—650, 654, 655, 669 to 671

income tax records, 19—676

insurance records, 19—652, 653, 671

interrogatories, 19—648

litigation history of claimant, 19—651, 654, 655

medical history of claimant, 19—650, 653, 654, 664, 669 to 671, 672 to 674

military service history of claimant, 19—657, 659 to 661, 672

miscellaneous records often overlooked, 19—665

motor vehicle records, 19—656

physicians' records, 19—653, 672 to 674

social security records, 19—657 to 659, 674

statements by claimant, 19—667

Veterans Administration records, 19—659 to 661, 676

vital statistics records, 19—656, 677

vocational rehabilitation records, 19—677

welfare records, 19—657

workmen's compensation records, 19—654, 664, 668, 675

psychic injury without trauma

embarrassment, 20—282

recreation during employment, 19—64

swimming accident, 19—64

INDEX OF SUBJECTS

(References are to volume and page numbers)

WORK PRODUCTS OF ATTORNEY

See PRIVILEGED COMMUNICATIONS, attorney-client privilege

X

X-RAYS

back and spine, 18—250, 652, 659; 19—44, 124, 500

chest, 18—244

failure to produce, 19—592

hand and wrist, 18—252

medical malpractice, 18—735





